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H.B. 286
134th General Assembly

Bill Analysis

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Version: As Reported by House Civil Justice

Primary Sponsor: Rep. Seitz

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SUMMARY

Appeals of administrative orders

- Modifies the current Administrative Procedure Act by generally providing that a party adversely affected by an order of an agency may appeal from the order to the court of common pleas of the county in which the place of business of the party is located or the county in which the party is a resident.
- Eliminates the existing provision that an appeal from an order issued by any of the following agencies be made to the Franklin County Court of Common Pleas:
 - Liquor Control Commission;
 - Ohio Casino Control Commission;
 - State Medical Board;
 - State Chiropractic Board;
 - Board of Nursing;
 - Bureau of Workers' Compensation regarding participation in the health partnership program.
- Removes the current provision that any party adversely affected by an order of an agency issued pursuant to any other adjudication may appeal, with certain exceptions, to the Franklin County Court of Common Pleas.
- Modifies specific statutes on adjudication orders of specified agencies to replace current provisions regarding appeals of the orders to the Franklin County Court of Common Pleas, the Environmental Division of the Franklin County Municipal Court, or the court of the county in which an appointing authority resides, with the bill's venue provision described in the first dot point.

No claim preclusion in zoning appeals

- Provides that a final judgment on the merits by a court pursuant to its power of review of administrative orders on claims brought under the County Rural Zoning Law, the Township Zoning Law, or the Municipal Planning Commissions Law does not preclude later claims for damages.
- States that the General Assembly intends that the above provisions in the respective laws be construed to override the federal Sixth Circuit Court of Appeals decision in the case of *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 2021.)

Challenge of administrative order responding to state of emergency

- Modifies current law by providing that an action challenging an order of an administrative department or head, state agency, or state elected officer issued in response to a state of emergency be brought in the Court of Claims instead of the court in the county of the person's residence or business.

Venue in prosecution of offense against public administration

- Specifies that on receiving a complaint of an "offense against public administration," other than certain election campaign violations, or on the request of a prosecuting attorney, a law enforcement agency may conduct an initial investigation of whether a person has committed such an offense.
- Requires that if the above investigation demonstrates a reasonable suspicion that an offense against public administration, other than an election campaign violation, has occurred, the law enforcement agency must refer the matter to either of the following:
 - If the alleged offender is a natural person who is a resident of Ohio, the prosecuting attorney of the county in which the alleged offender resided at the time the offense allegedly was committed (hereafter county of offender's residence at the time of the offense);
 - If the alleged offender is a natural person who is not a resident of Ohio, or if the alleged offender is not a natural person, the prosecuting attorney of the county in which the conduct constituting the offense allegedly occurred (hereafter county where conduct occurred).
- Modifies current law by providing that if the Ohio Elections Commission (OEC) decides to refer a matter regarding an offense against public administration that is a specified election campaign violation to a prosecuting attorney, the referral must be made according to the preceding dot points and to either of the following:
 - If the violation involves a specified campaign or political entity that is required to file a statement of contributions and expenditures with the Secretary of State, the prosecuting attorney of the county of the offender's residence at the time of the offense or the county where the conduct occurred, whichever is applicable;

- If the violation involves any other campaign or political entity, the prosecuting attorney of the county of the offender's residence at the time of the offense or the county where the conduct occurred, whichever is applicable.
- Requires the trial of the criminal case involving the matter be held in a court having jurisdiction of the subject matter in the county served by that prosecuting attorney, subject to the provisions on the change of venue of trial.

Change of venue of trial

- Provides that if a law enforcement agency or the OEC refers a matter regarding an offense against public administration to the prosecuting attorney of the county in which the alleged offender resided at the time the offense allegedly was committed, venue of the trial of the case may be changed as follows:
 - The alleged offender may move to have venue changed to a court with jurisdiction of the subject matter in the county in which the conduct constituting the offense allegedly occurred, and, upon the filing of such a motion, venue of the trial must be changed to such court.
 - As in continuing law, to a court with jurisdiction of the subject matter outside the county in which trial otherwise would be held, if it appears that a fair and impartial trial cannot be held in the jurisdiction in which trial otherwise would be held, or for the parties' convenience and in the interests of justice.

Notice to referring law enforcement agency or OEC

- Requires the prosecuting attorney handling the matter to provide notice to the referring law enforcement agency or OEC of the following:
 - The termination of the case involving the matter referred by the agency or the OEC;
 - The results of the final disposition of the case involving the matter referred by the agency or the OEC, including the final adjudication or entry of a plea.

Recusal by prosecuting attorney

- Authorizes the prosecuting attorney to request the court with jurisdiction of the case to permit the prosecuting attorney to recuse self for good cause, by submitting to the court a notice of recusal, and upon submission of such a notice the prosecuting attorney is recused and disqualified from participating in the case.
- Provides a procedure for the judges of the court of appeals in which is located the county served by that prosecuting attorney to appoint, by majority vote, a prosecuting attorney from another county who will have the authority to represent the state in the prosecution of the case.

Prosecution by county prosecuting attorney

- Requires that all offenses against public administration that are prosecuted on or after the bill's effective date be prosecuted by a county prosecuting attorney or assistant

prosecuting attorney, regardless of the court in which the prosecution occurs and regardless of whether the offense is a felony or a misdemeanor.

TABLE OF CONTENTS

Appeal of administrative agency order	4
Appeal from order of specific agencies.....	5
Effectivity provision.....	7
No claim preclusion in zoning appeals.....	8
Challenge of administrative order responding to state of emergency	8
Venue in criminal actions.....	8
Venue in prosecution of offense against public administration	8
Initial investigation by law enforcement agency	8
Election campaign violations.....	9
Change of venue of trial	10
Notice to referring law enforcement agency or OEC.....	11
Recusal by prosecuting attorney.....	12
Cooperation by state agency or law enforcement agency.....	12
Prosecution by county prosecuting attorney	13
Definitions.....	13
Other provisions.....	14

DETAILED ANALYSIS

Appeal of administrative agency order

The current Administrative Procedure Act generally provides that a party adversely affected by any order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, denying the issuance or renewal of a license or registration of a licensee, revoking or suspending a license, or allowing the payment of a forfeiture rather than suspending operations of a liquor permit holder by order of the Liquor Control Commission, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident.¹

The bill modifies current law by providing that a party adversely affected by an order of an agency as described above may appeal from the order to the court of common pleas of the

¹ R.C. 119.12(A)(1).

county in which the place of business of the *party*, instead of “licensee” is located or the county in which the *party* is a resident.²

The bill eliminates the current provision that an appeal from an order issued by any of the following agencies be made to the Franklin County Court of Common Pleas (Franklin County CCP): (1) Liquor Control Commission, (2) Ohio Casino Control Commission, (3) State Medical Board, (4) State Chiropractic Board, (5) Board of Nursing, and (6) Bureau of Workers’ Compensation regarding participation in the health partnership program administered by the Bureau.³

The bill also eliminates the provision that any party adversely affected by an order of an agency issued pursuant to any other adjudication may appeal to the Franklin County CCP, except that appeals from orders of the Fire Marshal issued under the Fire Marshal and Fire Safety Law may be to the court of common pleas of the county in which the building of the aggrieved person is located and except that appeals under the law dealing with reduction in pay or position, suspension, or removal, from a decision of the State Personnel Board of Review or a municipal or civil service township civil service commission must be taken to the court of common pleas of the county in which the appointing authority is located or, in the case of an appeal by the Department of Rehabilitation and Correction, to the Franklin County CCP.⁴

Current law, not changed by the bill, provides that if any party appealing from an order of an agency is not a resident of and has no place of business in Ohio, the party may appeal to the Franklin County CCP.⁵

Appeal from order of specific agencies

The bill’s provision above that a party adversely affected by an order of an agency may appeal from the order to the court of common pleas of the county in which the place of business of the party is located or the county in which the party is a resident applies to any of the following appeals:

- In cases of removal or reduction in pay for disciplinary reasons, the appointing authority or the officer or employee in the classified service may appeal from the decision of the State Personnel Board of Review or the municipal civil service commission of the city or city school district.⁶ The bill replaces current law which provides for the appeal to the court of common pleas of the county in which the appointing authority is located, or to the Franklin County CCP.⁷

² R.C. 119.12(A)(1).

³ Current R.C. 119.12(A)(2).

⁴ R.C. 119.12(B).

⁵ R.C. 119.12(A)(2) in the bill.

⁶ R.C. 124.34(B).

⁷ *Id.*

- In cases in which the Director of Agriculture or a designated representative impounds and seizes a dog from a high volume breeder or dog broker for violation of applicable law or rule, the high volume breeder's owner or operator or the person acting as a dog broker may appeal from such determination at an adjudication hearing.⁸ The bill replaces the existing provision that the appeal may be made only to the environmental division of the Franklin County Municipal Court.⁹
- In cases in which an application for a license as a high volume breeder or dog broker is denied or such license is suspended or revoked upon a determination of the Director of Agriculture at an adjudication hearing, the applicant or licensee may appeal from such determination.¹⁰ The bill replaces the existing provision that the appeal may be made only to the environmental division of the Franklin County Municipal Court.¹¹
- In cases in which a proprietor of a public place or place of employment or an individual against whom a finding of a violation of any prohibition under the Smoking Ban Law is made by the Department or Director of Health or designee, may appeal the finding.¹² The bill replaces current law which provides that the finding may be appealed to the Franklin County CCP.¹³
- In cases in which, after a public hearing, the Superintendent of Insurance issues an order of disapproval of any merger or other acquisition of control of a domestic insurer, the order may be appealed by filing a notice of appeal with the Superintendent and a copy of the notice of appeal with the court, within 15 calendar days after the transmittal of the copy of the order.¹⁴ The bill replaces current law which specifies that the order of disapproval may be appealed to the Franklin County CCP.¹⁵
- In cases in which the Superintendent of Insurance issues an order regarding the conversion of a domestic mutual life insurance company to a stock life insurance company, which an adversely affected policyholder may appeal.¹⁶ The bill replaces current law which provides that a policyholder adversely affected by such order may appeal to the Franklin County CCP.¹⁷

⁸ R.C. 956.11(C).

⁹ *Id.*

¹⁰ R.C. 956.15(C).

¹¹ *Id.*

¹² R.C. 3794.09(C).

¹³ *Id.*

¹⁴ R.C. 3901.321(F)(2)(e).

¹⁵ *Id.*

¹⁶ R.C. 3913.13 and by reference to R.C. 3913.11(F).

¹⁷ *Id.*

- In cases in which the Superintendent of Insurance issues an order regarding the conversion of a domestic mutual insurance company other than life to a stock insurance corporation other than life, which an adversely affected policyholder may appeal.¹⁸ The bill replaces current law which provides that a policyholder adversely affected by such order may appeal to the Franklin County CCP.¹⁹
- In cases in which an appellant who appeals an order of an agency administering a family services program, who is granted a state hearing, and who disagrees with the state hearing decision and generally makes an administrative appeal to the Department of Job and Family Services (JFS) may appeal from the JFS administrative appeal decision.²⁰ The bill replaces current law which provides that the person may appeal to the court of common pleas of the county in which the person resides, or to the Franklin County CCP if the person does not reside in this state.²¹
- In cases in which an adversely affected party may appeal from the Medicaid Department's adjudication order regarding: (1) refusal to enter into a provider agreement with a Medicaid provider, (2) refusal to revalidate a Medicaid provider's provider agreement, (3) suspension or termination of a Medicaid provider's provider agreement, or (4) taking any action based upon a final fiscal audit of a Medicaid provider.²² The bill replaces current law which provides that any party who is adversely affected by the issuance of any such adjudication order may appeal to the Franklin County CCP.²³

Effectivity provision

The bill provides that R.C. 956.15 as presented in the act (administrative appeal of a denial of an application for a license as a high volume breeder or dog broker or suspension or revocation of such license upon a determination of the Director of Agriculture) takes effect on the later of October 9, 2021, or the effective date of that section. (October 9, 2021, is the effective date of an earlier amendment to that section by H.B. 263 of the 133rd General Assembly.)²⁴

¹⁸ R.C. 3913.23 and by reference to R.C. 3913.21(F).

¹⁹ *Id.*

²⁰ R.C. 5101.35(B), (C), and (E).

²¹ R.C. 5101.35(E)(1). The bill's new venue provision above and current law on an appeal by a nonresident to the Franklin County CCP would apply and the eliminated provision in R.C. 5101.35(E)(1) would be duplicative.

²² R.C. 5164.38(C) and (D).

²³ R.C. 5164.38(D).

²⁴ Section 3.

No claim preclusion in zoning appeals

The bill provides that a final judgment on the merits issued by a court of competent jurisdiction pursuant to its power of review of orders of administrative officers and agencies on claims brought under the County Rural Zoning Law, the Township Zoning Law, or the Municipal Planning Commissions Law does not preclude later claims for damages, including claims brought under 42 U.S.C. 1983, even if the common law doctrine of res judicata would otherwise bar the claim.²⁵

The bill states that the General Assembly intends that the above provisions in the respective laws be construed to override the federal Sixth Circuit Court of Appeals' decision in the case of *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 2021).²⁶

Challenge of administrative order responding to state of emergency

The bill modifies current law by providing that notwithstanding any other provision of the Revised Code, a person who challenges an order or rule adopted by an administrative department, administrative department head, state agency, or statewide elected officer that is issued or adopted in response to a state of emergency, in an action for damages, declaratory judgment, injunctive relief, or other appropriate relief may do so in the Court of Claims, instead of an appropriate court located in the county where the person's residence or business is located.²⁷ It removes the exception to the Court of Claims' jurisdiction of those types of actions.²⁸

Venue in criminal actions

Under current law, the trial of a criminal case in this state must be held in a court having jurisdiction of the subject matter, and, except in cases of emergency causing a temporary closing of a municipal court, a county court, a division of the court of common pleas, or a court of appeals, in the territory of which the offense or any element of the offense was committed. The bill expands the above exceptions to include the venue in prosecutions for an "offense against public administration" as discussed below (see "**Definitions**").²⁹

Venue in prosecution of offense against public administration

Initial investigation by law enforcement agency

The bill provides that, generally, on receiving a formal or informal complaint regarding an "offense against public administration," other than an offense committed in connection with

²⁵ R.C. 303.57, 519.26, and 713.16.

²⁶ *Id.*

²⁷ R.C. 107.43(D)(1).

²⁸ R.C. 2743.03(A)(1).

²⁹ R.C. 2901.12(A)(1).

a campaign for or the holding of any state office or in connection with an election on a proposed constitutional amendment, or any other proposition or issue submitted to voters, in violation of any section listed in R.C. 3517.153(A)³⁰ (hereafter election campaign violations), or on request of a “prosecuting attorney,” a “law enforcement agency” may conduct an initial investigation into whether a person has committed an offense against public administration. This provision does not apply with respect to election campaign violations.³¹

If an initial investigation conducted by a law enforcement agency as described above, or otherwise conducted by a law enforcement agency, demonstrates a reasonable suspicion that an offense against public administration, other than an election campaign violation, has occurred, the agency must refer the matter to a prosecuting attorney determined as specified below. The trial of the criminal case involving the matter must be held in a court having jurisdiction of the subject matter in the county served by that prosecuting attorney, subject to the provisions described below under “**Change of venue of trial.**” The prosecuting attorney to whom the case is referred must be one of the following:³²

- If the alleged offender is a natural person who is a resident of Ohio, the prosecuting attorney of the county in which the alleged offender resided at the time the offense allegedly was committed (hereafter county of offender’s residence at the time of the offense);
- If the alleged offender is a natural person who is not a resident of Ohio, or if the alleged offender is not a natural person, the prosecuting attorney of the county in which the conduct constituting the offense allegedly occurred (hereafter county where conduct occurred).

Election campaign violations

The bill provides that the provisions in the Elections Law regarding the filing of and hearing on complaints of election campaign violations by the Ohio Elections Commission (OEC) apply regarding all complaints and investigations regarding offenses against public administration that are election campaign violations. If the OEC decides, on hearing of a complaint, to refer a matter regarding an offense against public administration that is an election campaign violation to a prosecuting attorney, the referral must be made with the appropriate prosecuting attorney determined under the preceding dot points and as follows by modifying current law:³³

1. In the case of a failure to comply with or a violation of law involving a campaign committee or the committee’s candidate, a political party, a legislative campaign fund, a

³⁰ These sections are R.C. 3517.08 to 3517.13, 3517.20 to 3517.22, 3599.03, or 3599.031.

³¹ R.C. 2901.121(B).

³² R.C. 2901.121(C)(1).

³³ R.C. 2901.121(C)(2) and 3517.155(A)(1) and (2) and by reference to R.C. 2901.121(C)(1)(a) and (b).

political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the Secretary of State under R.C. 3517.11(A), the prosecuting attorney of the county of the offender's residence at the time of the offense or the county where the conduct occurred, whichever is applicable, instead of the prosecutor of Franklin County under current law;

2. In the case of a failure to comply with or a violation of law involving any other campaign committee or committee's candidate, or any other political party, political action committee, or political contributing entity, the prosecuting attorney of the county of the offender's residence at the time of the offense or the county where the conduct occurred, whichever is applicable, instead of either of the following under current law as determined by the OEC: (a) the prosecutor of Franklin county, (b) the prosecutor of the county in which the candidacy or ballot question or issue is submitted to the electors or, if it is submitted in more than one county, the most populous of those counties. The bill provides that for purposes of determining the appropriate prosecuting attorney of the county where the conduct occurred if that county applies, the county in which the conduct constituting the offense allegedly occurred is the county in which the candidacy or ballot question or issue is submitted to the electors or, if it is submitted in more than one county, the most populous of those counties.

The bill requires the trial of the criminal case involving the matter be held in a court having jurisdiction of the subject matter in the county served by that prosecuting attorney, subject to the provisions described below in **"Change of venue of trial."**³⁴

If the OEC refers the matter to the appropriate prosecutor and that prosecutor is determined to be that of the county of the offender's residence at the time of the offense, venue of the trial of the case may be changed as described below in **"Change of venue of trial,"** and, if venue is changed, prosecution must proceed as described.³⁵

Change of venue of trial

The bill provides that if a law enforcement agency or the OEC refers a matter regarding an offense against public administration to the prosecuting attorney of the county in which the alleged offender resided at the time the offense allegedly was committed, venue of the trial of the case may be changed as follows:³⁶

Notwithstanding the provision described above that specifies that the trial of the criminal case involving the matter is to be held in a court in the county served by that prosecuting attorney, venue of the trial may be changed as follows:³⁷

³⁴ R.C. 2901.121(C)(2).

³⁵ R.C. 3517.155(A)(3).

³⁶ R.C. 2901.121(C)(3) and 2901.12(K)(2).

³⁷ R.C. 2901.12(K)(2)(a) and (b).

1. The alleged offender may move to have venue changed to a court having jurisdiction of the subject matter in the county in which the conduct constituting the offense allegedly occurred, and, upon the filing of such a motion, venue of the trial must be changed to a court having jurisdiction of the subject matter in that county.
2. Independent of (1) above, venue may be changed in accordance with Criminal Rule 18 (venue and change of venue) and the following provision in existing law: venue may be changed, upon motion of the prosecution, the defense, or the court, to any court having jurisdiction of the subject matter outside the county in which trial otherwise would be held, when it appears that a fair and impartial trial cannot be held in the jurisdiction in which trial otherwise would be held, or that trial should be held in another jurisdiction for the convenience of the parties and in the interests of justice.³⁸

The bill provides that a change of venue must be made under (1) above in the circumstances described in (1), regardless of whether the criteria set forth in (2) above and Criminal Rule 18 are satisfied. If venue is changed under (1), venue may be further changed in accordance with (2) and Criminal Rule 18.³⁹

If venue is changed, the prosecuting attorney of the county to which the venue is changed must prosecute the case.⁴⁰

The bill provides that on request of a prosecuting attorney to whom a law enforcement agency or the OEC refers a matter under “**Initial investigation by law enforcement agency**” or “**Election campaign violations**,” above, or on request of a prosecuting attorney who is prosecuting a case after a law enforcement agency or the OEC refers a matter to a different prosecuting attorney and the venue of the trial in the case is changed as described above, the referring agency or OEC, whichever is applicable, must assist the prosecuting attorney in the investigation of an offense against public administration.⁴¹

Notice to referring law enforcement agency or OEC

The prosecuting attorney handling a matter referred to the prosecuting attorney by a law enforcement agency or the OEC, or handling a matter after the venue of the trial in the case is changed as described above in “**Change of venue of trial**” when the matter initially was referred to a different prosecuting attorney by a law enforcement agency or the OEC as described above in “**Initial investigation by law enforcement agency**” or “**Election campaign violations**,” must notify the referring agency or OEC, whichever is applicable, of either of the following upon occurrence of the event:⁴²

³⁸ R.C. 2901.12(K)(2)(b) and by reference to R.C. 2901.12(K)(1).

³⁹ R.C. 2901.12(K)(3).

⁴⁰ R.C. 2901.121(C)(3).

⁴¹ R.C. 2901.121(C)(4).

⁴² R.C. 2901.121(D).

- The termination of the case involving the matter referred by the agency or the OEC;
- The results of the final disposition of the case involving the matter referred by the agency or the OEC, including the final adjudication or entry of a plea.

Recusal by prosecuting attorney

Under the bill, the prosecuting attorney handling a matter in either circumstance described above in “**Notice to referring law enforcement agency or OEC,**” may request that the court with jurisdiction over the case permit the prosecuting attorney to recuse self for good cause in the case, by submitting to the court a notice of recusal. Upon submission of such a notice the prosecuting attorney is recused and disqualified from participating in the case involving the matter.⁴³

Following such recusal of a prosecuting attorney, the judges of the court of appeals in which is located the county served by that prosecuting attorney must appoint, by majority vote, a prosecuting attorney from another county, determined as specified below. A prosecuting attorney so appointed has the authority to represent the state in the prosecution of the case. A prosecuting attorney appointed must be one of the following:⁴⁴

- If the court of appeals making the appointment serves more than one county, the prosecuting attorney appointed must be from another county in that court of appeals district.
- If the court of appeals making the appointment serves only one county, the prosecuting attorney appointed must be from a county that is contiguous to the county served by that court of appeals.

A prosecuting attorney appointed by a court of appeals as described above may pursue a waiver to extend the applicable statute of limitations by not more than two years. If the waiver adds less than two years to limitations, the prosecuting attorney may pursue a successive waiver for good cause shown to the court, provided that the total time of all waivers does not exceed two years.⁴⁵

Cooperation by state agency or law enforcement agency

The bill provides that to the extent allowed by law, a state agency or law enforcement agency must cooperate with a prosecuting attorney handling a matter in either the county of the offender’s residence at the time of the offense or the county where the conduct occurred, or with a prosecuting attorney who a court of appeals appoints, by providing resources and if requested by the prosecuting attorney as necessary to carry out the purposes of the bill.⁴⁶

⁴³ R.C. 2901.121(E)(1).

⁴⁴ R.C. 2901.121(E)(2).

⁴⁵ R.C. 2901.121(E)(3).

⁴⁶ R.C. 2901.121(F).

Prosecution by county prosecuting attorney

The bill provides that notwithstanding any provision to the contrary in statutes dealing with the powers and duties of a prosecuting attorney, the duties of a village solicitor or city director of law, the powers and duties of a city director of law, the prosecuting attorney of a mayor's court, criminal prosecutions in municipal court, or prosecution of criminal cases or any other Revised Code section, all offenses against public administration that are prosecuted on or after the bill's effective date must be prosecuted by a county prosecuting attorney or assistant county prosecuting attorney, regardless of the court in which the prosecution occurs and regardless of whether the offense is a felony or a misdemeanor.⁴⁷

Definitions

The bill defines the following terms:⁴⁸

"Law enforcement agency" means the State Highway Patrol, the office of a county sheriff, the police department of a municipal corporation or township, or a township or joint police district.⁴⁹

"Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

"Offense against public administration" means any of the following:

1. An offense committed by a state officer or a state employee in connection with the powers and duties of the officer's or employee's state office or state employment, in violation of any of the following:
 - a. Any prohibition set forth in the Criminal Code pertaining to offenses against justice and public administration;⁵⁰
 - b. The offense of violating a protection order.
2. An offense committed by a state officer or a state employee in connection with the powers and duties of the officer's or employee's state office or state employment or by a candidate for state office, in violation of any of the following:
 - a. Any prohibition set forth in the Public Officer-Ethics Law;⁵¹
 - b. Prohibitions against injuring, intimidating, or interfering with fair housing rights.
3. An offense committed in connection with a campaign for or the holding of any state office or in connection with an election on a proposed constitutional amendment, or

⁴⁷ R.C. 2901.121(G).

⁴⁸ R.C. 2901.121(A).

⁴⁹ By reference to R.C. 955.012.

⁵⁰ With reference to R.C. Chapter 2921.

⁵¹ With reference to R.C. Chapter 102.

any other proposition or issue submitted to voters, in violation of any section listed in R.C. 3517.153(A).⁵²

“Prosecuting attorney” means a prosecuting attorney of a county.

“State agency” means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the Constitution or a statute of this state, including a state institution of higher education.

“State employee” means an individual, other than a state officer, who is employed by any of the following:

- A state agency;
- The Supreme Court, a court of appeals, or the Ohio Judicial Conference;
- The House of Representatives or the Senate;
- Any legislative agency, council, or committee, including the Legislative Service Commission or any other legislative agency included in the Legislative Service Commission budget group.

“State institution of higher education” means any state university or college as defined in R.C. 3345.12(A)(1), community college, state community college, university branch established under R.C. Chapter 3355, or technical college.

“State officer” means an elected officer of the state, an appointed officer of the state, or the director of a state agency.

Other provisions

Under the bill, current law provisions on venue for the prosecution of specified types of offenses do not apply to the prosecution of an offense if the bill requires that the offender be tried in the offender’s county of residence at the time of the offense and venue of the trial in the case is not transferred to the county in which the conduct constituting the offense allegedly occurred. If it is required that an offender accused of an offense be tried in the county in which the conduct constituting the offense allegedly occurred, or if prosecution in the county of the offender’s residence at the time of the offense applies regarding an offense and venue of the trial in the case is to be changed to the county in which the conduct constituting the offense allegedly occurred, those current law provisions on venue for the prosecution of specified types of offenses apply to the prosecution of the particular offense, but only for the purpose of determining the jurisdiction in which the conduct constituting the offense allegedly occurred.⁵³

HISTORY

⁵² These sections are R.C. 3517.08 to 3517.13, 3517.20 to 3517.22, 3599.03, or 3599.031.

⁵³ R.C. 2901.12(A)(2) and by reference to R.C. 2901.12(B) to (I).

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Introduced	05-04-21
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