

# AN ACT

To amend section 2935.09 of the Revised Code to limit the role of clerks of court in the procedures regarding the filing by private persons of affidavits alleging that a person committed a criminal offense and to require that an appropriate official review affidavits filed by private persons to determine if a complaint should be filed.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 2935.09 of the Revised Code be amended to read as follows:

Sec. 2935.09. (A) As used in this section, "reviewing official" means a judge of a court of record, the prosecuting attorney or attorney charged by law with the prosecution of offenses in a court or before a magistrate, or a magistrate.

(B) In all cases not provided by sections 2935.02 to 2935.08, inclusive, of the Revised Code, in order to cause the arrest or prosecution of a person charged with committing an offense in this state, a peace officer, or a private citizen having knowledge of the facts, shall comply with this section.

(C) A peace officer who seeks to cause an arrest or prosecution under this section may file with the judge or clerk of a court of record, or with a magistrate, a reviewing official or the clerk of a court of record an affidavit charging the offense committed, or shall.

(D) A private citizen having knowledge of the facts who seeks to cause an arrest or prosecution under this section may file such an affidavit charging the offense committed with the prosecuting attorney or attorney charged by law with the prosecution of offenses in court or before such magistrate, a reviewing official for the purpose of having review to determine if a complaint should be filed by such the prosecuting or other authorized attorney or attorney charged by law with the prosecution of offenses in the court or before the magistrate. A private citizen may file an affidavit charging the offense committed with the clerk of a court of record before or after the normal business hours of the reviewing officials if the clerk's office is open at those times. A clerk who receives an affidavit before

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or after the normal business hours of the reviewing officials shall forward it to a reviewing official when the reviewing official's normal business hours resume.

SECTION 2. That existing section 2935.09 of the Revised Code is hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_