

As Introduced

126th General Assembly
Regular Session
2005-2006

H. B. No. 214

Representatives Hughes, Combs, C. Evans, Latta, McGregor, Seitz, Setzer

—

A BILL

To amend section 2935.09 of the Revised Code to
remove clerks of court from the procedures
regarding the filing by private persons of
affidavits alleging that a person committed a
criminal offense.

1
2
3
4
5

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:

6
7

Sec. 2935.09. 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. A
peace officer who seeks to cause such an arrest or prosecution may
file with the judge or clerk of a court of record, the prosecuting
attorney or attorney charged by law with the prosecution of
offenses in court or before a magistrate, the clerk of a court of
record, or with a magistrate, an affidavit charging the offense
committed, or shall. A private citizen having knowledge of the
facts who seeks to cause such an arrest or prosecution may file
such an affidavit charging the offense committed with the judge of

8
9
10
11
12
13
14
15
16
17
18
19
20

a court of record or the prosecuting attorney or attorney charged 21
by law with the prosecution of offenses in court or before ~~such a~~ 22
magistrate, for the purpose of ~~having~~ review to determine if a 23
complaint should be filed by ~~such the~~ prosecuting ~~or other~~ 24
~~authorized~~ attorney or attorney charged by law with the 25
prosecution of offenses in the court or before the magistrate. 26

Section 2. That existing section 2935.09 of the Revised Code 27
is hereby repealed. 28