

As Passed by the House

**126th General Assembly
Regular Session
2005-2006**

Am. H. B. No. 214

**Representatives Hughes, Combs, C. Evans, Latta, McGregor, Seitz, Setzer,
Cassell, Domenick, Harwood, Oelslager, Patton, T., Reidelbach, Smith, G.,
Wagoner**

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A BILL

To amend section 2935.09 of the Revised Code to limit 1
the role of clerks of court in the procedures 2
regarding the filing by private persons of 3
affidavits alleging that a person committed a 4
criminal offense and to require that an 5
appropriate official review affidavits filed by 6
private persons to determine if a complaint should 7
be filed. 8

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

Section 1. That section 2935.09 of the Revised Code be 9
amended to read as follows: 10

Sec. 2935.09. (A) As used in this section, "reviewing 11
official" means a judge of a court of record, the prosecuting 12
attorney or attorney charged by law with the prosecution of 13
offenses in a court or before a magistrate, or a magistrate. 14

(B) In all cases not provided by sections 2935.02 to 2935.08~~7~~ 15
~~inclusive,~~ of the Revised Code, in order to cause the arrest or 16
prosecution of a person charged with committing an offense in this 17
state, a peace officer~~7~~ or a private citizen having knowledge of 18

the facts, shall comply with this section. 19

(C) A peace officer who seeks to cause an arrest or 20
prosecution under this section may file with the judge or clerk of 21
a court of record, or with a magistrate, a reviewing official or 22
the clerk of a court of record an affidavit charging the offense 23
committed, or shall. 24

(D) A private citizen having knowledge of the facts who seeks 25
to cause an arrest or prosecution under this section may file such 26
an affidavit charging the offense committed with the prosecuting 27
attorney or attorney charged by law with the prosecution of 28
offenses in court or before such magistrate, a reviewing official 29
for the purpose of having review to determine if a complaint 30
should be filed by such the prosecuting or other authorized 31
attorney or attorney charged by law with the prosecution of 32
offenses in the court or before the magistrate. A private citizen 33
may file an affidavit charging the offense committed with the 34
clerk of a court of record before or after the normal business 35
hours of the reviewing officials if the clerk's office is open at 36
those times. A clerk who receives an affidavit before or after the 37
normal business hours of the reviewing officials shall forward it 38
to a reviewing official when the reviewing official's normal 39
business hours resume. 40

Section 2. That existing section 2935.09 of the Revised Code 41
is hereby repealed. 42