

**As Reported by the House Judiciary Committee**

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

**Am. H. B. No. 214**

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

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**A BILL**

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.~~

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(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 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.

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is hereby repealed.

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