

As Reported by the Senate Judiciary--Criminal Justice Committee

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
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.

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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:

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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.

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(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

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the facts, shall comply with this section.

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(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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