

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 168

Senator Hughes

Cosponsors: Senators Patton, Sawyer, Seitz, Wagoner

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A B I L L

To amend section 2935.23 of the Revised Code to 1
authorize the prosecuting attorney of a county or 2
chief legal officer of a municipal corporation to 3
issue an investigative subpoena for any criminal 4
offense. 5

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

Section 1. That section 2935.23 of the Revised Code be 6
amended to read as follows: 7

Sec. 2935.23. After a ~~felony~~ criminal offense has been 8
committed, and before any arrest has been made, the prosecuting 9
attorney of the county, the chief legal officer of the municipal 10
corporation, or any judge or magistrate~~7~~, may cause subpoenas to 11
issue, returnable before any court or magistrate, for any person 12
to give information concerning ~~such felony~~ the criminal offense. 13
The subpoenas shall require the witness to appear forthwith. 14
Before ~~such~~ the witness is required to give any information, ~~he~~ 15
the witness must be informed of the purpose of the inquiry~~7~~, and 16
that ~~he~~ the witness is required to tell the truth concerning the 17
~~same~~ purpose of the inquiry. ~~He~~ The witness shall then be sworn 18
and be examined under oath by the prosecuting attorney, chief 19

legal officer, or ~~the~~ court or magistrate, subject to the 20
constitutional rights of the witness. ~~Such~~ The examination shall 21
be taken in writing in any form, and shall be filed with the court 22
or magistrate taking the testimony. Witness fees shall be paid to 23
~~such persons~~ the person as in other cases. 24

Section 2. That existing section 2935.23 of the Revised Code 25
is hereby repealed. 26