

As Reported by the House Judiciary Committee

130th General Assembly

Regular Session

2013-2014

Am. H. B. No. 383

Representative Grossman

Cosponsors: Representatives Scherer, Hackett, Fedor, Adams, R.

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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 to 2
issue an investigative subpoena for any criminal 3
offense and to authorize the chief legal officer 4
of a municipal corporation to issue an 5
investigative subpoena for any misdemeanor 6
offense. 7

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

Section 1. That section 2935.23 of the Revised Code be 8
amended to read as follows: 9

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

tell the truth concerning the ~~same~~ purpose of the inquiry. ~~He~~ The 20
witness shall then be sworn and be examined under oath by the 21
prosecuting attorney, ~~or the~~ court or magistrate, or chief legal 22
officer, subject to the constitutional rights of the witness. ~~Such~~ 23
The examination shall be taken in writing in any form, and shall 24
be filed with the prosecuting attorney, court or magistrate, or 25
chief legal officer taking the testimony. Witness fees shall be 26
paid to ~~such persons~~ the person as in other cases. 27

Section 2. That existing section 2935.23 of the Revised Code 28
is hereby repealed. 29