

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 295

Senator Hughes

Cosponsor: Senator Patton

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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 investigative subpoenas for misdemeanors. 4

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

Section 1. That section 2935.23 of the Revised Code be 5
amended to read as follows: 6

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

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

Section 2. That existing section 2935.23 of the Revised Code 27
is hereby repealed. 28