

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 211

Representatives LaRe, Plummer

Cosponsors: Representatives Stoltzfus, McClain, Seitz, Riedel, Kick, Bird, Merrin, Hall, Schmidt, Carruthers, Edwards, Cross, Stewart, Zeltwanger, Jordan, Miller, J.

A BILL

To amend section 309.08 and to enact section 1
109.831 of the Revised Code to provide in 2
specified circumstances for the Attorney 3
General's prosecution of criminal activity 4
committed at, or on, certain specified state 5
facilities, buildings, premises, or property and 6
to name the act the State Property Protection 7
and Prosecution Act. 8

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

Section 1. That section 309.08 be amended and section 9
109.831 of the Revised Code be enacted to read as follows: 10

Sec. 109.831. (A) As used in this section, "designated 11
state property" means any of the following: 12

(1) All premises and grounds comprising capitol square, as 13
defined in section 105.41 of the Revised Code; 14

(2) The Ohio supreme court building, the Vern Riffe center 15
for government and the arts, the James A. Rhodes state office 16
tower, the William Green building, the building housing the Ohio 17

department of education, the governor's residence, the parking 18
garages or lots at the facilities identified in this division if 19
applicable, and the parcels of property on which the facilities 20
identified in this division are located; 21

(3) The following facilities owned and operated by the 22
Ohio building authority in Columbus, the parking garages at the 23
facilities or lots identified in this division if applicable, 24
and the parcels of property on which the facilities identified 25
in this division are located: the department of administrative 26
services 4200 surface road facility, the north high street 27
complex, and the state of Ohio computer center; 28

(4) The offices of the secretary of state at 22 north 29
fourth street in Columbus, the offices of the attorney general 30
at 150 east gay street in Columbus, and the parking garages or 31
lots at those facilities that are used by the personnel of the 32
secretary of state or attorney general, as long as the secretary 33
of state and attorney general have offices in those locations. 34

(B) If, after an investigation conducted by a law 35
enforcement agency of competent jurisdiction, the agency 36
concludes that a reasonable likelihood exists of obtaining a 37
conviction of a crime that has been committed at, or on, 38
designated state property, the law enforcement agency either may 39
pursue charges as it normally would prior to the effective date 40
of this amendment or may refer the investigation to the attorney 41
general. 42

(C) If an investigation is referred to the attorney 43
general under division (B) of this section and the attorney 44
general concurs that there is a reasonable likelihood of 45
obtaining a conviction of a crime that has been committed at, or 46
on, designated state property, the attorney general may do one 47

of the following: 48

(1) Present the evidence of the crime to a regular grand jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 of the Revised Code or to a special grand jury drawn and impaneled pursuant to section 2939.17 of the Revised Code and prosecute any indictment returned by the grand jury, or initiate and prosecute an action in the appropriate venue determined pursuant to section 2901.12 of the Revised Code. 49
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(2) Refer the evidence of the crime to the prosecuting attorney, director of law, or other similar chief legal officer who serves the political subdivision in which the facility, premises, or property in question is located. 56
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(D) (1) (a) If the attorney general refers evidence of a crime to a prosecuting attorney under division (C) (2) of this section, the prosecuting attorney, within thirty days after the matter was referred to the prosecuting attorney, shall notify the attorney general in writing of the prosecuting attorney's decision as to whether to present or to not present the evidence to a grand jury and, if the decision is to present the evidence to the grand jury, shall present the evidence prior to the discharge of the next regular grand jury. 60
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(b) If the attorney general refers evidence of a crime to a director of law or similar chief legal officer under division (C) (2) of this section, the director or officer, within thirty days after the matter was referred to the director or officer, shall notify the attorney general in writing of the director's or officer's decision as to whether to prosecute or to not prosecute the case and, if the decision is to prosecute the case, shall initiate prosecution within sixty days after the matter was referred to the director or officer. 69
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(2) If the attorney general refers evidence of a crime to 78
a prosecuting attorney, director of law, or other chief legal 79
officer under division (C) (2) of this section and the 80
prosecuting attorney, director, or officer fails to notify the 81
attorney general, or to present evidence or initiate 82
prosecution, in accordance with division (D) (1) of this section, 83
the attorney general may present the evidence to a regular grand 84
jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 85
of the Revised Code or to a special grand jury drawn and 86
impaneled pursuant to section 2939.17 of the Revised Code and 87
prosecute any indictment returned by the grand jury, or may 88
initiate and prosecute an action in the appropriate venue 89
determined pursuant to section 2901.12 of the Revised Code. 90

(E) The attorney general, and any assistant or special 91
counsel designated by the attorney general, has all the rights, 92
privileges, and powers of a prosecuting attorney, director of 93
law, or other chief legal officer when proceeding under this 94
section. The attorney general has exclusive supervision and 95
control of all prosecutions initiated by the attorney general 96
under this section. 97

(F) Nothing in this section shall do either of the 98
following: 99

(1) Limit or prevent a prosecuting attorney, director of 100
law, or other chief legal officer from investigating and 101
prosecuting criminal activity that was committed at, or on, any 102
designated state property; 103

(2) Limit the jurisdiction of any law enforcement agency 104
of competent jurisdiction. 105

(G) This section applies with respect to criminal activity 106

committed on designated state property on or after the effective 107
date of this section and criminal activity committed on 108
designated state property prior to the effective date of this 109
section if, as of the effective date of this section, no 110
criminal charges involving the activity have been filed or 111
prosecuted. 112

Sec. 309.08. (A) The prosecuting attorney may inquire into 113
the commission of crimes within the county. The prosecuting 114
attorney shall prosecute, on behalf of the state, all 115
complaints, suits, and controversies in which the state is a 116
party, except for those required or permitted to be prosecuted 117
by a special prosecutor pursuant to section 177.03 of the 118
Revised Code or by the attorney general pursuant to section 119
109.83 or 109.831 of the Revised Code, and other suits, matters, 120
and controversies that the prosecuting attorney is required to 121
prosecute within or outside the county, in the probate court, 122
court of common pleas, and court of appeals. In conjunction with 123
the attorney general, the prosecuting attorney shall prosecute 124
in the supreme court cases arising in the prosecuting attorney's 125
county, except for those cases required to be prosecuted by a 126
special prosecutor pursuant to section 177.03 of the Revised 127
Code or by the attorney general pursuant to section 109.83 or 128
109.831 of the Revised Code. 129

In every case of conviction, the prosecuting attorney 130
forthwith shall cause execution to be issued for the fine and 131
costs, or costs only, as the case may be, and faithfully shall 132
urge the collection until it is effected or found to be 133
impracticable to collect. The prosecuting attorney forthwith 134
shall pay to the county treasurer all moneys belonging to the 135
state or county which come into the prosecuting attorney's 136
possession. 137

The prosecuting attorney or an assistant prosecuting attorney of a county may participate, as a member of the investigatory staff of an organized crime task force established under section 177.02 of the Revised Code that has jurisdiction in that county, in an investigation of organized criminal activity under sections 177.01 to 177.03 of the Revised Code.

(B) The prosecuting attorney may pay a reward to a person who has volunteered any tip or information to a law enforcement agency in the county concerning a drug-related offense that is planned to occur, is occurring, or has occurred, in whole or in part, in the county. The prosecuting attorney may provide for the payment, out of the following sources, of rewards to a person who has volunteered tips and information to a law enforcement agency in the county concerning a drug-related offense that is planned to occur, is occurring, or has occurred, in whole or in part, in the county:

(1) The law enforcement trust fund established by the prosecuting attorney pursuant to division (C)(1) of section 2981.13 of the Revised Code;

(2) The portion of any mandatory fines imposed pursuant to divisions (B)(1) and (2) of section 2929.18 or Chapter 2925. of the Revised Code that is paid to the prosecuting attorney pursuant to that division or chapter, the portion of any additional fines imposed under division (A) of section 2929.18 of the Revised Code that is paid to the prosecuting attorney pursuant to that division, or the portion of any fines imposed pursuant to division (A) of section 2925.42 of the Revised Code that is paid to the prosecuting attorney pursuant to division (B) of that section;

(3) The furtherance of justice fund allowed to the

prosecuting attorney under section 325.12 of the Revised Code or	168
any additional funds allowed to the prosecuting attorney under	169
section 325.13 of the Revised Code;	170
(4) Any other moneys lawfully in the possession or control	171
of the prosecuting attorney.	172
(C) As used in division (B) of this section, "drug-related	173
offense" means any violation of Chapter 2925. or 3719. of the	174
Revised Code or any violation of a municipal ordinance that is	175
substantially equivalent to any section in either of those	176
chapters.	177
Section 2. That existing section 309.08 of the Revised	178
Code is hereby repealed.	179
Section 3. This act shall be known as the State Property	180
Protection and Prosecution Act.	181