



Ohio Prosecuting Attorneys Association

Louis Tobin
Executive Director
House Bill 647
Opponent Testimony
March 3, 2026

Chair White, Vice-Chair Salvo, Ranking Member Lett and members of the House Children and Human Services Committee, thank you for the opportunity to provide opponent testimony on the portion of House Bill 647 that gives the Attorney General concurrent authority with local prosecutors to prosecute a criminal violation of Ohio's child-care law. To be clear, our opposition is only to this portion of the bill. We fully support measures to prevent fraud, including child-care fraud, measures to ensure that fraud allegations are investigated, and measures that promote the referral of those investigations to the appropriate local prosecutor. We applaud the bill sponsors Reps. Plummer and Young for ensuring that Ohio is being proactive about this issue.

Our Association opposes efforts to dilute the authority of county prosecutors in the way proposed in this legislation. The authority to prosecute felony offenses in Ohio has always resided at the local level with the county prosecutor. The attorney general has only ever become involved at the request of a county prosecutor who needs assistance. This is how it should be. The county prosecutor is more in tune with and more accountable to the community in which a crime has occurred. Removing prosecutorial authority from that community and placing it in a statewide office reduces accountability for the outcome of the case and reduces the incentives to see that justice is done and the community's interests promoted. More often than not, the county prosecutor is going to achieve a better outcome for the community than if a state agency is involved.

This provision of House Bill 647 also leads to duplication of efforts in investigating cases of child care fraud where both local authorities and state authorities could be investigating the same acts and reviewing the same acts for possible prosecution. Not only is this a misuse of already limited resources it could lead to conflicting decisions related to charging, conflicts regarding presentation of cases to a grand jury, and possible issues for the constitutional rights of defendants. It also creates forum shopping, something that we believe is bad for our justice system and public confidence in the law.

Ultimately, removing authority from the local prosecutor and placing that authority in the hands of a statewide official reduces accountability to the voters, in most cases it will result in greater delay in getting cases resolved, and in most cases it will ultimately result in worse outcomes for the local community and in this case taxpayers. If the General Assembly wants to improve the investigation of child-care fraud, that is something we fully support. But the decision about how to proceed after that should remain with the county prosecutor.

We respectfully request that this provision be removed from the legislation. I would be happy to answer any questions that the committee has at this time.