

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 696

Representative Swearingen

To amend section 1901.34 of the Revised Code to 1
modify jurisdiction of the Erie County 2
prosecuting attorney. 3

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

Section 1. That section 1901.34 of the Revised Code be 4
amended to read as follows: 5

Sec. 1901.34. (A) Except as provided in divisions (B) and 6
(D) of this section, the village solicitor, city director of 7
law, or similar chief legal officer for each municipal 8
corporation within the territory of a municipal court shall 9
prosecute all cases brought before the municipal court for 10
criminal offenses occurring within the municipal corporation for 11
which that person is the solicitor, director of law, or similar 12
chief legal officer. Except as provided in division (B) of this 13
section, the village solicitor, city director of law, or similar 14
chief legal officer of the municipal corporation in which a 15
municipal court is located shall prosecute all criminal cases 16
brought before the court arising in the unincorporated areas 17
within the territory of the municipal court. 18

(B) The Auglaize county, Brown county, Clermont county, 19
Columbiana county, Hocking county, Holmes county, Jackson 20

county, Morrow county, Ottawa county, Paulding county, Perry 21
county, Portage county, and Putnam county prosecuting attorneys 22
shall prosecute in municipal court all violations of state law 23
arising in their respective counties. The Carroll county, 24
Crawford county, Hamilton county, Madison county, and Wayne 25
county prosecuting attorneys, ~~beginning January 1, 2008, the~~ 26
~~Erie county prosecuting attorney,~~ beginning January 1, 2024, the 27
Fulton county prosecuting attorney, and beginning on ~~the~~ 28
~~effective date of this amendment~~ April 30, 2024, the Geauga 29
county prosecuting attorney shall prosecute all violations of 30
state law arising within the unincorporated areas of their 31
respective counties. The Darke county prosecuting attorney shall 32
prosecute in the Darke county municipal court all violations of 33
state law arising in the county, except for violations of state 34
law arising in the municipal corporation of Greenville and 35
violations of state law arising in the village of Versailles. 36
The Greene county board of county commissioners may provide for 37
the prosecution of all violations of state law arising within 38
the territorial jurisdiction of any municipal court located in 39
Greene county. The Montgomery county prosecuting attorney shall 40
prosecute in the Montgomery county municipal court all felony, 41
misdemeanor, and traffic violations arising in the 42
unincorporated townships of Jefferson, Jackson, Perry, and Clay 43
and all felony violations of state law and all violations 44
involving a state or county agency arising within the 45
jurisdiction of the court. All other violations arising in the 46
territory of the Montgomery county municipal court shall be 47
prosecuted by the village solicitor, city director of law, or 48
similar chief legal officer for each municipal corporation 49
within the territory of the Montgomery county municipal court. 50
Beginning on the effective date of this amendment, the Erie 51
county prosecuting attorney shall prosecute in the Erie County 52

municipal court all violations of state law arising within the 53
unincorporated areas of the county, except for violations of 54
state law arising in the townships of Florence, Huron, Perkins, 55
and Vermilion. 56

The prosecuting attorney of any county given the duty of 57
prosecuting in municipal court violations of state law shall 58
receive no additional compensation for assuming these additional 59
duties, except that the prosecuting attorney of Hamilton, 60
Portage, and Wayne counties shall receive compensation at the 61
rate of four thousand eight hundred dollars per year, and the 62
prosecuting attorney of Auglaize county shall receive 63
compensation at the rate of one thousand eight hundred dollars 64
per year, each payable from the county treasury of the 65
respective counties in semimonthly installments. 66

(C) The village solicitor, city director of law, or 67
similar chief legal officer shall perform the same duties, 68
insofar as they are applicable to the village solicitor, city 69
director of law, or similar chief legal officer, as are required 70
of the prosecuting attorney of the county. The village 71
solicitor, city director of law, similar chief legal officer or 72
any assistants who may be appointed shall receive for such 73
services additional compensation to be paid from the treasury of 74
the county as the board of county commissioners prescribes. 75

(D) The prosecuting attorney of any county, other than 76
Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, 77
Ottawa, Paulding, Perry, Portage, or Putnam county, may enter 78
into an agreement with any municipal corporation in the county 79
in which the prosecuting attorney serves pursuant to which the 80
prosecuting attorney prosecutes all criminal cases brought 81
before the municipal court that has territorial jurisdiction 82

over that municipal corporation for criminal offenses occurring 83
within the municipal corporation. The prosecuting attorney of 84
Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, 85
Ottawa, Paulding, Perry, Portage, or Putnam county may enter 86
into an agreement with any municipal corporation in the county 87
in which the prosecuting attorney serves pursuant to which the 88
respective prosecuting attorney prosecutes all cases brought 89
before the Auglaize county, Brown county, Clermont county, 90
Hocking county, Holmes county, Jackson county, Morrow county, 91
Ottawa county, Paulding county, Perry county, Portage county, or 92
Putnam county municipal court for violations of the ordinances 93
of the municipal corporation or for criminal offenses other than 94
violations of state law occurring within the municipal 95
corporation. For prosecuting these cases, the prosecuting 96
attorney and the municipal corporation may agree upon a fee to 97
be paid by the municipal corporation, which fee shall be paid 98
into the county treasury, to be used to cover expenses of the 99
office of the prosecuting attorney. 100

Section 2. That existing section 1901.34 of the Revised 101
Code is hereby repealed. 102