



Ohio Prosecuting Attorneys Association

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House Bill 33 – As Pending in Senate Finance
Interested Party Testimony
June 8, 2023

Chairman Dolan, Vice-Chair Cirino, Ranking Member Sykes and members of the Senate Finance Committee, thank you for the opportunity to testify today on two items that are in House Bill 33 as Pending in Senate Finance that are of concern to our membership. These amendments, which are new to the Senate version, are AUDCD10 (Fraud Training and Reporting) and AUDCD12 (Access to Records). While we appreciate the spirit of the changes we are opposed to them as written. Both interfere with the prosecutor's duty to the their county and to their constituents and we respectfully request that they be removed from the bill so that they can be fully vetted.

AUDCD10

Regarding the amendment on fraud training and reporting, our issue lies with the proposed changes to R.C. 4113.52 that would make prosecutors, among other officials, mandatory reporters to the Auditor of State for fraud, theft in office, and misappropriation of public money. As legal counsel to county and township officials we want to have open lines of communication with people in county and township government. This helps us provide them with sound legal advice and hopefully address problems before they get worse. Making us a mandatory reporter to the Auditor of State will have a chilling effect on this. In addition, the prosecutor is the Chief Legal Officer in the county. The Auditor of State, as an investigator, is responsible for reporting probable crimes to us, not the other way around. Making prosecutors mandatory reporters to the Auditor could interfere with our duty to inquire into and prosecute crimes.

AUDCD12

Regarding the amendment on access to records in R.C. 117.092, the language is extremely broad. It allows the State Auditor's office to have access on demand to employees, books, accounts, *reports*, vouchers, *correspondence files*, contracts, money, property, or *other records* in any public office subject to audit. Prosecutors have sensitive and confidential case files and investigative information as well as files related to their legal representation of other county and township officials in their possession. Nothing in the amendment limits access to these materials. Nothing in the amendment specifies that access to other, non-confidential, non-sensitive files, shall be granted only for the purposes of an audit. The language is overbroad.

Both of these changes interfere with our duty to the county and to the constituents we serve. We respectfully request that they be removed from the bill so that they can be appropriately vetted and so that unintended consequences can be avoided.

Thank you again for your consideration of our concerns. I would be happy to answer questions.