

As Introduced

CORRECTED VERSION

131st General Assembly

Regular Session

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S. B. No. 258

Senators Williams

Cosponsor: Senator Tavares

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**A BILL**

To enact section 109.021 of the Revised Code to 1  
establish the duties and authority of the 2  
Attorney General to investigate and prosecute 3  
cases relating to the death of a person caused 4  
by a peace officer. 5

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

**Section 1.** That section 109.021 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 109.021.** (A) As used in this section: 8

(1) "Detention" has the same meaning as in section 2921.01 9  
of the Revised Code. 10

(2) "Peace officer" has the same meaning as in section 11  
109.71 of the Revised Code. 12

(3) "Prosecutor" means the county prosecuting attorney, 13  
city director of law, village solicitor, or similar chief legal 14  
officer, who has the authority to prosecute a criminal case in 15  
the court in which the case is filed. 16

(B) (1) The attorney general shall investigate the death of 17  
an unarmed person caused by a peace officer engaged in the 18  
officer's duties, regardless of whether the person was in 19  
detention at the time of the action that resulted in the 20  
person's death. If the attorney general believes that there is a 21  
significant question as to whether a person, whose death was 22  
caused by a peace officer, was armed and dangerous at the time 23  
of the action that resulted in the person's death, the attorney 24  
general may investigate the death of a person pursuant to this 25  
section. 26

(2) The attorney general shall conduct a full, reasoned, 27  
and independent investigation, including all of the following: 28

(a) Gathering and analyzing evidence; 29

(b) Conducting witness interviews; 30

(c) Reviewing investigative reports, scientific evidence, 31  
and audio and video recording. 32

(3) The attorney general shall have exclusive supervision 33  
and control of all investigations conducted under this section. 34  
In conducting an investigation, the attorney general and any 35  
assistant attorney general or special counsel designated by the 36  
attorney general has all rights, privileges, powers, and duties 37  
of a prosecuting attorney, including the power to issue 38  
subpoenas and subpoenas duces tecum, to compel the attendance of 39  
witnesses, and to compel the production of records and papers of 40  
all kinds and descriptions that are relevant to the 41  
investigation. Upon the failure of any person to comply with any 42  
subpoena or subpoena duces tecum issued under this section, the 43  
attorney general, assistant attorney general, or special counsel 44  
may apply to the court of common pleas of Franklin county or of 45

any county in which an element of the crime occurred for a 46  
contempt order. 47

(C) When it appears to the attorney general, as a result 48  
of an investigation under division (B) of this section, that a 49  
prosecution should be commenced, the attorney general shall 50  
refer the evidence to a grand jury under sections 2939.01 to 51  
2939.24 of the Revised Code or to a special grand jury under 52  
section 2939.17 of the Revised Code. The attorney general and 53  
any assistant attorney general or special counsel designated by 54  
the attorney general may appear at any time before the grand 55  
jury to give information relative to a legal matter or to advise 56  
upon a legal matter when required. The attorney general and any 57  
assistant attorney general or special counsel designated by the 58  
attorney general shall have and may exercise all rights, 59  
privileges, and powers of a prosecutor in such cases. 60

(D) If an indictment is returned by a grand jury pursuant 61  
to a referral made under division (C) of this section, the 62  
attorney general has sole responsibility to prosecute the case. 63  
When prosecuting a case under this section, the attorney general 64  
and any assistant attorney general or special counsel designated 65  
by the attorney general has all rights, privileges, duties, and 66  
powers of a prosecutor. 67

(E) The attorney general's authority to conduct an 68  
investigation under division (B) (1) of this section and to 69  
prosecute related crimes supersedes the authority of any other 70  
prosecutor to investigate the death in these circumstances and 71  
to prosecute related crimes. A prosecutor shall have only those 72  
powers and duties designated by the attorney general. 73

(F) (1) The attorney general shall provide a report to the 74  
governor or the governor's designee if either of the following 75

<u>applies:</u>	76
<u>(a) The attorney general declines to refer evidence to a grand jury regarding a death investigated under this section;</u>	77 78
<u>(b) A grand jury declines to return an indictment on evidence referred to the grand jury under this section.</u>	79 80
<u>(2) A report required under division (F)(1) of this section shall include, to the extent possible and lawful, an explanation of the outcome of the investigation and any resulting recommendations for systemic reform.</u>	81 82 83 84