

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 723**

**Representative LaRe**

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**A BILL**

To amend section 309.08 and to enact section 1  
109.831 of the Revised Code to provide for the 2  
investigation and prosecution by the Attorney 3  
General of criminal activity committed at, or 4  
on, any facility, building, premises, or 5  
property owned or leased by, or otherwise under 6  
the control of, the state and to name the act 7  
the State Property Protection and Prosecution 8  
Act. 9

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

**Section 1.** That section 309.08 be amended and section 10  
109.831 of the Revised Code be enacted to read as follows: 11

**Sec. 109.831.** (A) As used in this section, "state 12  
property" means any facility, building, premises, or property 13  
owned or leased by, or otherwise under the control of, the 14  
state. 15

(B) The attorney general shall investigate any activity 16  
the attorney general has reasonable cause to believe is criminal 17  
or improper activity that was committed at, or on, any state 18  
property. Upon written request of the governor or the general 19

assembly, the attorney general shall investigate any activity 20  
that the governor or general assembly believes is criminal or 21  
improper activity that was committed at, or on, any state 22  
property. The attorney general may conduct an investigation 23  
under this division in conjunction with, or fully independent 24  
of, the prosecuting attorney, director of law, or other chief 25  
legal officer who serves the political subdivision in which the 26  
state property in question is located. 27

(C) If after an investigation conducted under division (B) 28  
of this section, the attorney general has probable cause to 29  
prosecute for the commission of a crime, the attorney general 30  
shall do one of the following: 31

(1) Present the evidence of the crime to a regular grand 32  
jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 33  
of the Revised Code or to a special grand jury drawn and 34  
impaneled pursuant to section 2939.17 of the Revised Code and 35  
prosecute any indictment returned by the grand jury, or initiate 36  
and prosecute an action in any court or tribunal of competent 37  
jurisdiction in this state. 38

(2) Refer the evidence of the crime to the prosecuting 39  
attorney, director of law, or other similar chief legal officer 40  
who serves the political subdivision in which the facility, 41  
premises, or property in question is located. 42

(D) (1) If the attorney general refers evidence of a crime 43  
to a prosecuting attorney under division (C) (2) of this section 44  
and the prosecuting attorney decides to present or to not 45  
present the evidence to a grand jury, the prosecuting attorney 46  
shall notify the attorney general in writing of the decision 47  
within thirty days after referral of the matter and, if the 48  
decision is to present the evidence to the grand jury, shall 49

present the evidence prior to the discharge of the next regular 50  
grand jury. If the attorney general refers evidence of a crime 51  
to a director of law or similar chief legal officer under 52  
division (C) (2) of this section and the director or officer 53  
decides to prosecute or to not prosecute the case, the director 54  
or officer shall notify the attorney general in writing of the 55  
decision within thirty days and, if the decision is to prosecute 56  
the case, shall initiate prosecution within sixty days after the 57  
matter was referred to the director or officer. 58

(2) If the attorney general refers evidence of a crime to 59  
a prosecuting attorney, director of law, or other chief legal 60  
officer under division (C) (2) of this section and the 61  
prosecuting attorney, director, or officer fails to notify the 62  
attorney general, or to present evidence or initiate 63  
prosecution, in accordance with division (D) (1) of this section, 64  
the attorney general may present the evidence to a regular grand 65  
jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 66  
of the Revised Code or to a special grand jury drawn and 67  
impaneled pursuant to section 2939.17 of the Revised Code and 68  
prosecute any indictment returned by the grand jury, or may 69  
initiate and prosecute an action in any court or tribunal of 70  
competent jurisdiction in this state. 71

(E) The attorney general, and any assistant or special 72  
counsel designated by the attorney general, have all the rights, 73  
privileges, and powers of a prosecuting attorney, director of 74  
law, or other chief legal officer when proceeding under this 75  
section. The attorney general shall have exclusive supervision 76  
and control of all investigations and prosecutions initiated by 77  
the attorney general under this section, except to the extent 78  
that the attorney general conducts an investigation in 79  
conjunction with a prosecuting attorney, director of law, or 80

other chief legal officer. 81

(F) Nothing in this section shall limit or prevent a 82  
prosecuting attorney, director of law, or other chief legal 83  
officer from investigating and prosecuting criminal activity 84  
that was committed at, or on, any facility, premises, or 85  
property owned or leased by, or otherwise under the control of, 86  
the state. 87

(G) This section applies with respect to criminal or 88  
improper activity committed on state property on or after the 89  
effective date of this section and criminal or improper activity 90  
committed on state property prior to the effective date of this 91  
section if, as of the effective date of this section, no 92  
criminal charges involving the activity have been filed or 93  
prosecuted. 94

**Sec. 309.08.** (A) The prosecuting attorney may inquire into 95  
the commission of crimes within the county. The prosecuting 96  
attorney shall prosecute, on behalf of the state, all 97  
complaints, suits, and controversies in which the state is a 98  
party, except for those required to be prosecuted by a special 99  
prosecutor pursuant to section 177.03 of the Revised Code or by 100  
the attorney general pursuant to section 109.83 or 109.831 of 101  
the Revised Code, and other suits, matters, and controversies 102  
that the prosecuting attorney is required to prosecute within or 103  
outside the county, in the probate court, court of common pleas, 104  
and court of appeals. In conjunction with the attorney general, 105  
the prosecuting attorney shall prosecute in the supreme court 106  
cases arising in the prosecuting attorney's county, except for 107  
those cases required to be prosecuted by a special prosecutor 108  
pursuant to section 177.03 of the Revised Code or by the 109  
attorney general pursuant to section 109.83 or 109.831 of the 110

Revised Code. 111

In every case of conviction, the prosecuting attorney 112  
forthwith shall cause execution to be issued for the fine and 113  
costs, or costs only, as the case may be, and faithfully shall 114  
urge the collection until it is effected or found to be 115  
impracticable to collect. The prosecuting attorney forthwith 116  
shall pay to the county treasurer all moneys belonging to the 117  
state or county which come into the prosecuting attorney's 118  
possession. 119

The prosecuting attorney or an assistant prosecuting 120  
attorney of a county may participate, as a member of the 121  
investigatory staff of an organized crime task force established 122  
under section 177.02 of the Revised Code that has jurisdiction 123  
in that county, in an investigation of organized criminal 124  
activity under sections 177.01 to 177.03 of the Revised Code. 125

(B) The prosecuting attorney may pay a reward to a person 126  
who has volunteered any tip or information to a law enforcement 127  
agency in the county concerning a drug-related offense that is 128  
planned to occur, is occurring, or has occurred, in whole or in 129  
part, in the county. The prosecuting attorney may provide for 130  
the payment, out of the following sources, of rewards to a 131  
person who has volunteered tips and information to a law 132  
enforcement agency in the county concerning a drug-related 133  
offense that is planned to occur, is occurring, or has occurred, 134  
in whole or in part, in the county: 135

(1) The law enforcement trust fund established by the 136  
prosecuting attorney pursuant to division (C)(1) of section 137  
2981.13 of the Revised Code; 138

(2) The portion of any mandatory fines imposed pursuant to 139

divisions (B) (1) and (2) of section 2929.18 or Chapter 2925. of 140  
the Revised Code that is paid to the prosecuting attorney 141  
pursuant to that division or chapter, the portion of any 142  
additional fines imposed under division (A) of section 2929.18 143  
of the Revised Code that is paid to the prosecuting attorney 144  
pursuant to that division, or the portion of any fines imposed 145  
pursuant to division (A) of section 2925.42 of the Revised Code 146  
that is paid to the prosecuting attorney pursuant to division 147  
(B) of that section; 148

(3) The furtherance of justice fund allowed to the 149  
prosecuting attorney under section 325.12 of the Revised Code or 150  
any additional funds allowed to the prosecuting attorney under 151  
section 325.13 of the Revised Code; 152

(4) Any other moneys lawfully in the possession or control 153  
of the prosecuting attorney. 154

(C) As used in division (B) of this section, "drug-related 155  
offense" means any violation of Chapter 2925. or 3719. of the 156  
Revised Code or any violation of a municipal ordinance that is 157  
substantially equivalent to any section in either of those 158  
chapters. 159

**Section 2.** That existing section 309.08 of the Revised 160  
Code is hereby repealed. 161

**Section 3.** This act shall be known as the State Property 162  
Protection and Prosecution Act. 163