As Introduced

134th General Assembly

Regular Session 2021-2022

H. B. No. 211

Representatives LaRe, Plummer

Cosponsors: Representatives Stoltzfus, McClain, Seitz, Riedel, Kick, Bird, Merrin, Hall, Schmidt, Carruthers, Edwards, Cross, Stewart, Zeltwanger, Jordan, Miller, J.

A BILL

То	amend section 309.08 and to enact section	1
	109.831 of the Revised Code to provide in	2
	specified circumstances for the Attorney	3
	General's prosecution of criminal activity	4
	committed at, or on, certain specified state	5
	facilities, buildings, premises, or property and	6
	to name the act the State Property Protection	7
	and Prosecution Act.	8

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

Section 1. That section 309.08 be amended and section	9
109.831 of the Revised Code be enacted to read as follows:	10
Sec. 109.831. (A) As used in this section, "designated	11
state property" means any of the following:	12
(1) All premises and grounds comprising capitol square, as	13
(1) All plemises and grounds comprising capitor square, as	10
defined in section 105.41 of the Revised Code;	14
(2) The Ohio supreme court building, the Vern Riffe center	15
for government and the arts, the James A. Rhodes state office	16
tower, the William Green building, the building housing the Ohio	17

department of education, the governor's residence, the parking	18
garages or lots at the facilities identified in this division if	19
applicable, and the parcels of property on which the facilities	20
identified in this division are located;	21
(3) The following facilities owned and operated by the	22
Ohio building authority in Columbus, the parking garages at the	23
facilities or lots identified in this division if applicable,	24
and the parcels of property on which the facilities identified	25
in this division are located: the department of administrative	26
services 4200 surface road facility, the north high street	27
complex, and the state of Ohio computer center;	28
(4) The offices of the secretary of state at 22 north	29
fourth street in Columbus, the offices of the attorney general	30
at 150 east gay street in Columbus, and the parking garages or	31
lots at those facilities that are used by the personnel of the	32
secretary of state or attorney general, as long as the secretary	33
of state and attorney general have offices in those locations.	34
(B) If, after an investigation conducted by a law	35
enforcement agency of competent jurisdiction, the agency	36
concludes that a reasonable likelihood exists of obtaining a	37
conviction of a crime that has been committed at, or on,	38
designated state property, the law enforcement agency either may	39
pursue charges as it normally would prior to the effective date	40
of this amendment or may refer the investigation to the attorney	41
general.	42
(C) If an investigation is referred to the attorney	43
general under division (B) of this section and the attorney	44
general concurs that there is a reasonable likelihood of	45
obtaining a conviction of a crime that has been committed at, or	46
on, designated state property, the attorney general may do one	47

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(1) Present the evidence of the crime to a regular grand	49
jury drawn and impaneled pursuant to sections 2939.01 to 2939.24	50
of the Revised Code or to a special grand jury drawn and	51
impaneled pursuant to section 2939.17 of the Revised Code and	52
prosecute any indictment returned by the grand jury, or initiate	53
and prosecute an action in the appropriate venue determined	54
pursuant to section 2901.12 of the Revised Code.	55
(2) Refer the evidence of the crime to the prosecuting	56
attorney, director of law, or other similar chief legal officer_	57
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who serves the political subdivision in which the facility,	
premises, or property in question is located.	59
(D)(1)(a) If the attorney general refers evidence of a	60
crime to a prosecuting attorney under division (C)(2) of this	61
section, the prosecuting attorney, within thirty days after the	62
matter was referred to the prosecuting attorney, shall notify	63
the attorney general in writing of the prosecuting attorney's	64
decision as to whether to present or to not present the evidence	65
to a grand jury and, if the decision is to present the evidence	66
to the grand jury, shall present the evidence prior to the	67
discharge of the next regular grand jury.	68
(b) If the attorney general refers evidence of a crime to	69
a director of law or similar chief legal officer under division_	70
(C) (2) of this section, the director or officer, within thirty	71
days after the matter was referred to the director or officer,	72
shall notify the attorney general in writing of the director's	73
or officer's decision as to whether to prosecute or to not	74
prosecute the case and, if the decision is to prosecute the	75
case, shall initiate prosecution within sixty days after the	76
matter was referred to the director or officer.	77

(2) If the attorney general refers evidence of a crime to	78
a prosecuting attorney, director of law, or other chief legal	79
officer under division (C)(2) of this section and the	80
prosecuting attorney, director, or officer fails to notify the	81
attorney general, or to present evidence or initiate	82
prosecution, in accordance with division (D)(1) of this section,	83
the attorney general may present the evidence to a regular grand	84
jury drawn and impaneled pursuant to sections 2939.01 to 2939.24	85
of the Revised Code or to a special grand jury drawn and	86
impaneled pursuant to section 2939.17 of the Revised Code and	87
prosecute any indictment returned by the grand jury, or may	88
initiate and prosecute an action in the appropriate venue	89
determined pursuant to section 2901.12 of the Revised Code.	90
(E) The attorney general, and any assistant or special	91
counsel designated by the attorney general, has all the rights,	92
privileges, and powers of a prosecuting attorney, director of	93
law, or other chief legal officer when proceeding under this	94
section. The attorney general has exclusive supervision and	95
control of all prosecutions initiated by the attorney general	96
under this section.	97
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(F) Nothing in this section shall do either of the	98
following:	99
(1) Limit or prevent a prosecuting attorney, director of	100
law, or other chief legal officer from investigating and	101
prosecuting criminal activity that was committed at, or on, any	102
designated state property;	103
	104
(2) Limit the jurisdiction of any law enforcement agency	104
of competent jurisdiction.	105
(G) This section applies with respect to criminal activity	106

committed on designated state property on or after the effective	107
date of this section and criminal activity committed on	108
designated state property prior to the effective date of this	109
section if, as of the effective date of this section, no	110
criminal charges involving the activity have been filed or	111
prosecuted.	112
Sec. 309.08. (A) The prosecuting attorney may inquire into	113
the commission of crimes within the county. The prosecuting	114
attorney shall prosecute, on behalf of the state, all	115
complaints, suits, and controversies in which the state is a	116
party, except for those required or permitted to be prosecuted	117
by a special prosecutor pursuant to section 177.03 of the	118
Revised Code or by the attorney general pursuant to section	119
109.83 or 109.831 of the Revised Code, and other suits, matters,	120
and controversies that the prosecuting attorney is required to	121
prosecute within or outside the county, in the probate court,	122
court of common pleas, and court of appeals. In conjunction with	123
the attorney general, the prosecuting attorney shall prosecute	124
in the supreme court cases arising in the prosecuting attorney's	125
county, except for those cases required to be prosecuted by a	126
special prosecutor pursuant to section 177.03 of the Revised	127
Code or by the attorney general pursuant to section 109.83 or	128
109.831 of the Revised Code.	129
In every case of conviction, the prosecuting attorney	130
forthwith shall cause execution to be issued for the fine and	130
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forthwith shall cause execution to be issued for the fine and 131 costs, or costs only, as the case may be, and faithfully shall 132 urge the collection until it is effected or found to be 133 impracticable to collect. The prosecuting attorney forthwith 134 shall pay to the county treasurer all moneys belonging to the 135 state or county which come into the prosecuting attorney's 136 possession. 137

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The prosecuting attorney or an assistant prosecuting138attorney of a county may participate, as a member of the139investigatory staff of an organized crime task force established140under section 177.02 of the Revised Code that has jurisdiction141in that county, in an investigation of organized criminal142activity under sections 177.01 to 177.03 of the Revised Code.143

(B) The prosecuting attorney may pay a reward to a person 144 who has volunteered any tip or information to a law enforcement 145 agency in the county concerning a drug-related offense that is 146 planned to occur, is occurring, or has occurred, in whole or in 147 part, in the county. The prosecuting attorney may provide for 148 the payment, out of the following sources, of rewards to a 149 person who has volunteered tips and information to a law 150 enforcement agency in the county concerning a drug-related 151 offense that is planned to occur, is occurring, or has occurred, 152 in whole or in part, in the county: 153

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

(2) The portion of any mandatory fines imposed pursuant to 157 divisions (B)(1) and (2) of section 2929.18 or Chapter 2925. of 158 the Revised Code that is paid to the prosecuting attorney 159 pursuant to that division or chapter, the portion of any 160 additional fines imposed under division (A) of section 2929.18 161 of the Revised Code that is paid to the prosecuting attorney 162 pursuant to that division, or the portion of any fines imposed 163 pursuant to division (A) of section 2925.42 of the Revised Code 164 that is paid to the prosecuting attorney pursuant to division 165 (B) of that section; 166

(3) The furtherance of justice fund allowed to the

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prosecuting attorney under section 325.12 of the Revised Code or 168 any additional funds allowed to the prosecuting attorney under 169 section 325.13 of the Revised Code; 170 (4) Any other moneys lawfully in the possession or control 171 of the prosecuting attorney. 172 (C) As used in division (B) of this section, "drug-related 173 offense" means any violation of Chapter 2925. or 3719. of the 174 Revised Code or any violation of a municipal ordinance that is 175 substantially equivalent to any section in either of those 176 chapters. 177 Section 2. That existing section 309.08 of the Revised 178 Code is hereby repealed. 179 Section 3. This act shall be known as the State Property 180 Protection and Prosecution Act. 181