

As Introduced

**134th General Assembly
Regular Session
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S. B. No. 86

Senator Williams

Cosponsors: Senators Yuko, Craig, Fedor, Maharath, Thomas

A BILL

To enact section 109.021 of the Revised Code 1
regarding the Attorney General's authority 2
relating to deaths caused by peace officers. 3

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

Section 1. That section 109.021 of the Revised Code be 4
enacted to read as follows: 5

Sec. 109.021. (A) As used in this section: 6

(1) "Detention" has the same meaning as in section 2921.01 7
of the Revised Code. 8

(2) "Peace officer" has the same meaning as in section 9
109.71 of the Revised Code. 10

(3) "Prosecutor" means the county prosecuting attorney, 11
city director of law, village solicitor, or similar chief legal 12
officer, who has the authority to prosecute a criminal case in 13
the court in which the case is filed. 14

(B) (1) The attorney general shall investigate the death of 15
an unarmed person caused by a peace officer engaged in the 16
officer's duties, regardless of whether the person was in 17

detention at the time of the action that resulted in the 18
person's death. If the attorney general believes that there is a 19
significant question as to whether a person, whose death was 20
caused by a peace officer, was armed and dangerous at the time 21
of the action that resulted in the person's death, the attorney 22
general may investigate the death of a person pursuant to this 23
section. 24

(2) The attorney general shall conduct a full, reasoned, 25
and independent investigation, including all of the following: 26

(a) Gathering and analyzing evidence; 27

(b) Conducting witness interviews; 28

(c) Reviewing investigative reports, scientific evidence, 29
and audio and video recording. 30

(3) The attorney general shall have exclusive supervision 31
and control of all investigations conducted under this section. 32
In conducting an investigation, the attorney general and any 33
assistant attorney general or special counsel designated by the 34
attorney general has all rights, privileges, powers, and duties 35
of a prosecuting attorney, including the power to issue 36
subpoenas and subpoenas duces tecum, to compel the attendance of 37
witnesses, and to compel the production of records and papers of 38
all kinds and descriptions that are relevant to the 39
investigation. Upon the failure of any person to comply with any 40
subpoena or subpoena duces tecum issued under this section, the 41
attorney general, assistant attorney general, or special counsel 42
may apply to the court of common pleas of Franklin county or of 43
any county in which an element of the crime occurred for a 44
contempt order. 45

(C) When it appears to the attorney general, as a result 46

of an investigation under division (B) of this section, that a 47
prosecution should be commenced, the attorney general shall 48
refer the evidence to a grand jury under sections 2939.01 to 49
2939.24 of the Revised Code or to a special grand jury under 50
section 2939.17 of the Revised Code. The attorney general and 51
any assistant attorney general or special counsel designated by 52
the attorney general may appear at any time before the grand 53
jury to give information relative to a legal matter or to advise 54
upon a legal matter when required. The attorney general and any 55
assistant attorney general or special counsel designated by the 56
attorney general shall have and may exercise all rights, 57
privileges, and powers of a prosecutor in such cases. 58

(D) If an indictment is returned by a grand jury pursuant 59
to a referral made under division (C) of this section, the 60
attorney general has sole responsibility to prosecute the case. 61
When prosecuting a case under this section, the attorney general 62
and any assistant attorney general or special counsel designated 63
by the attorney general has all rights, privileges, duties, and 64
powers of a prosecutor. 65

(E) The attorney general's authority to conduct an 66
investigation under division (B) (1) of this section and to 67
prosecute related crimes supersedes the authority of any other 68
prosecutor to investigate the death in these circumstances and 69
to prosecute related crimes. A prosecutor shall have only those 70
powers and duties designated by the attorney general. 71

(F) (1) The attorney general shall provide a report to the 72
governor or the governor's designee if either of the following 73
applies: 74

(a) The attorney general declines to refer evidence to a 75
grand jury regarding a death investigated under this section. 76

<u>(b) A grand jury declines to return an indictment on</u>	77
<u>evidence referred to the grand jury under this section.</u>	78
<u>(2) A report required under division (F)(1) of this</u>	79
<u>section shall include, to the extent possible and lawful, an</u>	80
<u>explanation of the outcome of the investigation and any</u>	81
<u>resulting recommendations for systemic reform.</u>	82