



H.B. 214

126th General Assembly
(As Introduced)

Reps. Hughes, Combs, C. Evans, Latta, McGregor, Seitz, Setzer

BILL SUMMARY

- Eliminates a private citizen's authority to file an affidavit charging an offense with the clerk of a court of record or a magistrate.
- Retains the authority of a private citizen to file an affidavit charging an offense with the judge of a court of record or a prosecuting attorney or other attorney charged by law with prosecuting offenses but specifies that the purpose of the filing is for review to determine if the prosecutor should file a complaint.

CONTENT AND OPERATION

Filing an affidavit to cause an arrest or prosecution

Under existing law, a peace officer or a private citizen having knowledge of the facts, in order to cause the arrest or prosecution of a person charged with committing an offense, may file an affidavit charging the offense with the judge or clerk of a court of record or with a magistrate. The peace officer or private citizen also has the option of filing the affidavit with the prosecuting attorney or other attorney charged by law with prosecuting offenses for the purpose of having the prosecuting or other attorney file a complaint. (R.C. 2935.09.)

The bill authorizes a peace officer who has knowledge of the facts and seeks to cause an arrest or prosecution to file an affidavit charging an offense with the judge or clerk of a court of record, a magistrate, or the prosecuting attorney or other attorney charged by law with prosecuting offenses. The bill authorizes a private citizen who has knowledge of the facts and seeks to cause an arrest or prosecution to file an affidavit charging an offense only with the judge of a court of record or with the prosecuting attorney or other attorney charged by law with prosecuting offenses. In the case of a private citizen, the filing is for the purpose

of review to determine if the prosecuting attorney or other attorney charged by law with prosecuting offenses should file a complaint. (R.C. 2935.09.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-21-05	p. 697

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