

As Introduced

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

H. B. No. 723

Representative LaRe

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