



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 412
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Swearingen

Alyssa Bethel, Attorney

SUMMARY

- Allows a village to contract with the county prosecutor for legal services.

DETAILED ANALYSIS

County prosecutor as legal adviser for village

Each county elects a prosecuting attorney to serve as legal adviser for the county and to prosecute certain criminal offenses within the county. The county prosecutor also serves as legal adviser to townships located within the county and may contract with a variety of other entities to serve as their legal adviser (e.g., a park district). The bill would allow a village and county prosecutor, with the approval of the board of county commissioners, to enter into a contract under which the prosecuting attorney serves as the village's legal adviser. Currently, the legislative authority of a statutory village has permissive authority to contract with an attorney for legal services. Alternatively, upon petition of the electors, the village's mayor appoints legal counsel. The bill specifically allows the legislative authority or mayor to contract with the county prosecutor to satisfy the need for legal services. As under current law, the contract's duration is limited to two years.¹

Ohio courts have established a test to determine if two public offices are compatible; the Attorney General addresses compatibility questions via opinion and maintains a [Compatibility Opinions Index](#) (HTML), available at ohioattorneygeneral.gov. An Attorney General opinion from 1916 addressed the question of county prosecutor and village legal counsel. In the opinion, [Att'y Gen. Op. No. 1916-2115 \(PDF\)](#), available at ohioattorneygeneral.gov, the Attorney General found the two positions to be compatible except to the extent the representation would conflict with

¹ R.C. 309.09 and 733.48.

the county prosecutor's role on the county budget commission (the recent Main Operating Budget, H.B. 96, included a provision to allow the prosecutor to recuse herself/himself).²

HISTORY

Action	Date
Introduced	08-07-25

ANHB0412IN-136/ar

² R.C. 5705.27, not in the bill.