



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Wendy H. Gridley

S.B. 371

131st General Assembly
(As Introduced)

Sen. Thomas

BILL SUMMARY

- Prohibits county prosecuting attorneys in a county with a population of 400,001 or more from engaging in the private practice of law.

CONTENT AND OPERATION

Beginning January 1, 2017, the bill prohibits a county prosecuting attorney in a county with a population of 400,001 or more from engaging in the private practice of law.¹ Current law classifies county prosecuting attorneys, for salary purposes, on the basis of county population. Incremental population amounts correspond to incremental compensation increases except that the compensation amounts for those engaging in private practice are less than the amounts specified for those without a private practice in a comparable population category.

For calendar year 2020 and thereafter, current law requires prosecuting attorneys in counties with a population of one million or more who do not engage in private practice to receive an amount equal to \$100 less than the amount paid to a judge of the court of common pleas of the county under current law.² Because of the bill's prohibition against engaging in the private practice of law in counties in the largest

¹ R.C. 309.02; Section 3.

² R.C. 325.11(B); R.C. 141.04 and 141.05, not in the bill. Note that despite the use of the words "and thereafter" in the calendar year 2019 chart for those without a private practice, it appears that those prosecuting attorneys who will be in the 1,000,001 or more category will make \$100 less than the judge of the court of common pleas instead of \$147,469 for calendar year 2020 and thereafter. Under R.C. 141.04 the compensation for a common pleas court judge in 2019 and thereafter will be \$147,600 for those in the 1,000,001 or more category; so the compensation for the county prosecuting attorney will be \$100 less than \$147,600 or \$147,500 in 2020.

population category, this salary will apply under the bill to all prosecuting attorneys for counties of that size. For calendar years 2017, 2018, and 2019 and thereafter, the bill removes the population classifications of 400,001 to 1,000,000 and 1,000,001 or more for prosecuting attorneys *with* a private practice. The bill retains those population classifications and compensation amounts for prosecuting attorneys *without* a private practice for those years.

The bill's provisions take effect January 1, 2017. Prosecuting attorneys in counties with a population of 400,000 or less continue to have the ability to engage in the private practice of law by complying with the current notice requirements to notify the board of county commissioners of the attorney's intention to receive the lower salary designated for one engaging in the private practice of law.

HISTORY

ACTION	DATE
Introduced	11-22-16

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