

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 371**

**Senator Thomas**

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**A BILL**

To amend sections 309.02 and 325.11 of the Revised 1  
Code to prohibit prosecuting attorneys of 2  
counties with a population of 400,001 or more 3  
from engaging in the private practice of law. 4

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

**Section 1.** That sections 309.02 and 325.11 of the Revised 5  
Code be amended to read as follows: 6

**Sec. 309.02.** No person shall be eligible as a candidate 7  
for the office of prosecuting attorney, or shall be elected to 8  
such office, who is not an attorney at law licensed to practice 9  
law in this state. No prosecuting attorney shall be a member of 10  
the general assembly of this state or mayor of a municipal 11  
corporation. 12

No prosecuting attorney in a county with a population of 13  
four hundred thousand one or more shall engage in the private 14  
practice of law. 15

**Sec. 325.11.** (A) Each prosecuting attorney shall be 16  
classified, for salary purposes, according to the population of 17  
the county. All prosecuting attorneys shall receive annual 18  
compensation in accordance with the following schedules and in 19

accordance with section 325.18 of the Revised Code: 20

CLASSIFICATION AND COMPENSATION SCHEDULE 21

FOR CALENDAR YEAR 2001 FOR 22

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 23

Class	Population Range	Compensation	
1	1 - 20,000	\$46,245	25
2	20,001 - 35,000	47,958	26
3	35,001 - 55,000	49,671	27
4	55,001 - 95,000	55,237	28
5	95,001 - 200,000	59,947	29
6	200,001 - 400,000	66,799	30
7	400,001 - 1,000,000	71,079	31
8	1,000,001 or more	73,709	32

CLASSIFICATION AND COMPENSATION SCHEDULE 33

FOR CALENDAR YEAR 2001 FOR 34

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 35

Class	Population Range	Compensation	
1	1 - 20,000	\$78,952	37
2	20,001 - 35,000	88,821	38
3	35,001 - 55,000	88,821	39
4	55,001 - 95,000	98,689	40
5	95,001 - 200,000	98,689	41

6	200,001 - 400,000	98,689	42
7	400,001 - 1,000,000	101,085	43
8	1,000,001 or more	103,480	44

CLASSIFICATION AND COMPENSATION SCHEDULE 45

FOR CALENDAR YEAR 2016 FOR 46

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 47

Class	Population Range	Compensation	
1	1 - 20,000	\$56,929	49
2	20,001 - 35,000	59,037	50
3	35,001 - 55,000	61,146	51
4	55,001 - 95,000	67,999	52
5	95,001 - 200,000	73,798	53
6	200,001 - 400,000	82,233	54
7	400,001 - 1,000,000	87,502	55
8	1,000,001 or more	90,739	56

CLASSIFICATION AND COMPENSATION SCHEDULE 57

FOR CALENDAR YEAR 2016 FOR 58

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 59

Class	Population Range	Compensation	
1	1 - 20,000	\$97,193	61
2	20,001 - 35,000	109,342	62
3	35,001 - 55,000	109,342	63

4	55,001 - 95,000	121,488	64
5	95,001 - 200,000	121,488	65
6	200,001 - 400,000	121,488	66
7	400,001 - 1,000,000	124,439	67
8	1,000,001 or more	127,389	68

CLASSIFICATION AND COMPENSATION SCHEDULE 69

FOR CALENDAR YEAR 2017 FOR 70

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 71

Class	Population Range	Compensation	
1	1 - 55,000	\$64,203	73
2	55,001 - 95,000	71,399	74
3	95,001 - 200,000	77,488	75
4	200,001 - 400,000	86,344	76
<del>5</del>	<del>400,001 - 1,000,000</del>	<del>91,877</del>	77
<del>6</del>	<del>1,000,001 or more</del>	<del>95,276</del>	78

CLASSIFICATION AND COMPENSATION SCHEDULE 79

FOR CALENDAR YEAR 2017 FOR 80

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 81

Class	Population Range	Compensation	
1	1 - 55,000	\$114,809	83
2	55,001 - 95,000	127,563	84
3	95,001 - 200,000	127,563	85

4	200,001 - 400,000	127,563	86
5	400,001 - 1,000,000	130,661	87
6	1,000,001 or more	133,759	88

CLASSIFICATION AND COMPENSATION SCHEDULE 89

FOR CALENDAR YEAR 2018 FOR 90

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 91

Class	Population Range	Compensation	
1	1 - 55,000	\$67,413	93
2	55,001 - 95,000	74,969	94
3	95,001 - 200,000	81,363	95
4	200,001 - 400,000	90,662	96
<del>5</del>	<del>400,001 - 1,000,000</del>	<del>96,471</del>	97
<del>6</del>	<del>1,000,001 or more</del>	<del>100,040</del>	98

CLASSIFICATION AND COMPENSATION SCHEDULE 99

FOR CALENDAR YEAR 2018 FOR 100

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 101

Class	Population Range	Compensation	
1	1 - 55,000	\$120,549	103
2	55,001 - 95,000	133,941	104
3	95,001 - 200,000	133,941	105
4	200,001 - 400,000	133,941	106
5	400,001 - 1,000,000	137,194	107

6 1,000,001 or more 140,447 108

CLASSIFICATION AND COMPENSATION SCHEDULE 109

FOR CALENDAR YEAR 2019 AND THEREAFTER FOR 110

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 111

Class Population Range Compensation 112

1 1 - 55,000 \$70,784 113

2 55,001 - 95,000 78,717 114

3 95,001 - 200,000 85,431 115

4 200,001 - 400,000 95,195 116

~~5 400,001 - 1,000,000 101,294 117~~

~~6 1,000,001 or more 105,042 118~~

CLASSIFICATION AND COMPENSATION SCHEDULE 119

FOR CALENDAR YEAR 2019 AND THEREAFTER FOR 120

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 121

Class Population Range Compensation 122

1 1 - 55,000 \$126,577 123

2 55,001 - 95,000 140,638 124

3 95,001 - 200,000 140,638 125

4 200,001 - 400,000 140,638 126

5 400,001 - 1,000,000 144,053 127

6 1,000,001 or more 147,469 128

(B) Notwithstanding the compensation specified in division 129

(A) of this section, a prosecuting attorney in a county with a 130

population of one million one or more ~~who does not engage in the~~ 131  
~~private practice of law~~ shall receive in calendar year 2020 and 132  
in each calendar year thereafter annual compensation in an 133  
amount equal to the total compensation paid to a judge of the 134  
court of common pleas of that county pursuant to sections 141.04 135  
and 141.05 of the Revised Code for the same calendar year, 136  
reduced by one hundred dollars. 137

(C) A prosecuting attorney in a county with a population 138  
of four hundred thousand or less shall not engage in the private 139  
practice of law unless before taking office the prosecuting 140  
attorney notifies the board of county commissioners of the 141  
intention to engage in the private practice of law. 142

A prosecuting attorney in a county with a population of 143  
four hundred thousand or less may elect to engage or not to 144  
engage in the private practice of law before the commencement of 145  
each new term of office, and a prosecuting attorney who engages 146  
in the private practice of law who intends not to engage in the 147  
private practice of law during the prosecuting attorney's next 148  
term of office shall so notify the board of county 149  
commissioners. A prosecuting attorney in a county with a 150  
population of four hundred thousand or less who elects not to 151  
engage in the private practice of law may, for a period of six 152  
months after taking office, engage in the private practice of 153  
law for the purpose of concluding the affairs of private 154  
practice of law without any diminution of salary as provided for 155  
in division (A) of this section and in section 325.18 of the 156  
Revised Code. 157

(D) As used in this section, "salary" does not include any 158  
portion of the cost, premium, or charge for health, medical, 159  
hospital, dental, or surgical benefits, or any combination of 160

those benefits, covering the prosecuting attorney and paid on	161
that person's behalf by a governmental entity.	162
<b>Section 2.</b> That existing sections 309.02 and 325.11 of the	163
Revised Code are hereby repealed.	164
<b>Section 3.</b> Sections 1 and 2 of this act shall take effect	165
January 1, 2017.	166