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S.B. 207
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Thomas and Wilson

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SUMMARY

- Repeals the statutory provisions that specify the types of cases that may be referred to the Drug Court of the Hamilton County Court of Common Pleas.

DETAILED ANALYSIS

Operation of the bill

The Hamilton County Court of Common Pleas currently is served by a Drug Court, which was established by statute in December, 1995. The judge of the Hamilton County Court of Common Pleas whose term began on January 3, 1997, and the successors to that judge, are elected and designated as the judge of the Drug Court. The Revised Code currently specifies the types of cases that may be referred to the Drug Court. The bill retains the statutory provisions that establish the Drug Court, but it repeals the statutory provisions that specify the types of cases that may be referred to the Drug Court¹ and repeals a related provision in the Municipal Court Law that expressly authorizes the Hamilton County Municipal Court to refer cases to the Drug Court in accordance with those provisions.² The bill does not replace the repealed provisions and does not otherwise address the types of cases that may be referred to the Drug Court.

Current law, unchanged by the bill, specifies that if the administrative judge of the Hamilton County Court of Common Pleas determines that the volume of cases pending before the Drug Court judge does not constitute a sufficient caseload for that judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, must assign individual cases to the Drug Court judge from the Court's general docket. If the

¹ R.C. 2301.03(B)(3).

² R.C. 1901.041.

assignments so occur, the administrative judge must cease the assignments when the administrative judge determines that the volume of cases pending before the Drug Court judge constitutes a sufficient caseload for the Drug Court judge.³

Repealed provisions

The existing Revised Code provisions that specify the types of cases that may be referred to the Drug Court of the Hamilton County Court of Common Pleas, which are repealed by the bill, specify that:⁴

1. The Drug Court judge may accept or reject any case referred to that judge under the provisions described in this paragraph and in (2) and (3), below. After the Drug Court judge accepts a referred case, that judge has full authority over the case, including the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, order treatment, and if treatment is not successfully completed pronounce and enter sentence.
2. A judge of the general division of the Hamilton County Court of Common Pleas and a judge of the Hamilton County Municipal Court may refer to the Drug Court judge any case, and any companion cases, the referring judge determines meet the criteria described in (3)(a) and (b), below. If the Drug Court judge accepts referral of a referred case, the case, and any companion cases, are transferred to that judge. A judge may refer a case meeting the criteria described in (3)(a) and (b), below, that involves a violation of a condition of a community control sanction to the Drug Court judge, and, if the Drug Court judge accepts the referral, the referring judge and the Drug Court judge have concurrent jurisdiction over the case.
3. A judge of the general division of the Hamilton County Court of Common Pleas and a judge of the Hamilton County Municipal Court may refer a case to the Drug Court judge if the referring judge determines that both of the following apply:
 - a. One of the following applies: (i) the case involves a drug abuse offense, as defined in R.C. 2925.01, that is a third or fourth degree felony if committed prior to July 1, 1996, a third, fourth, or fifth degree felony if committed on or after July 1, 1996, or a misdemeanor, or (ii) the case involves a theft offense, as defined in R.C. 2913.01, that is a third or fourth degree felony if committed prior to July 1, 1996, a third, fourth, or fifth degree felony if committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.
 - b. All of the following apply: (i) the case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed, (ii) the defendant has no history

³ R.C. 2301.03(B)(4).

⁴ R.C. 2301.03(B)(3).

of violent behavior, (iii) the defendant has no history of mental illness, (iv) the defendant's current or past behavior, or both, is drug or alcohol driven, (v) the defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process, (vi) the defendant has no acute health condition, and (vii) if the defendant is incarcerated, the county prosecutor approves of the referral.

Specialized Docket Courts

Separate from the Revised Code provisions that establish and govern the Drug Court of the Hamilton County Court of Common Pleas, the Ohio Supreme Court has adopted standards and procedures, located in Superintendence Rules 36.20 through 36.32 and in Appendix I to those Rules,⁵ that govern the Supreme Court's Specialized Docket Program and the certification of courts under the program. Specialized Docket Courts have been certified for many courts of common pleas, municipal courts, and county courts. As of May 31, 2021, Specialized Docket Courts that have been certified include Drug Courts, Drug – Domestic Violence Courts, Drug – Human Trafficking Courts, Drug – Reentry Courts, Family Dependency Courts, Juvenile Treatment Courts, Mental Health Courts, OVI Courts, Substance Abuse Mental Illness Courts, and Veterans Courts.

HISTORY

Action	Date
Introduced	07-01-21

S0207-I-134/ts

⁵ <https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf>.