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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Hoops

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SUMMARY

- Abolishes the Fulton County County Court with two part-time judges, effective January 1, 2024.
- Effective January 1, 2022, abolishes the part-time judgeship in the Fulton County County Court originally elected in 1980; effective January 1, 2024, abolishes the part-time judgeship in the Fulton County County Court originally elected in 1982.
- Establishes in the municipal corporation of Wauseon the Fulton County Municipal Court beginning January 1, 2024, with jurisdiction within Fulton County, and provides that one full-time judge of the Fulton County Municipal Court is to be elected in 2023.
- Requires the Fulton County Municipal Court to establish a branch office in the municipal corporation of Swanton and to appoint a special deputy clerk to administer the branch office on a full-time basis with compensation according to applicable law payable out of the treasury of Fulton County.
- Requires the judge of the Fulton County Municipal Court to sit within each of the municipal corporations of Wauseon and Swanton on a weekly basis.
- Specifies that cases arising within Wauseon and within specified townships in Fulton county must be filed in the office of the clerk of the court located in Wauseon, and specifies that cases arising in Swanton and within specified townships in Fulton County must be filed in the office of the special deputy clerk located in Swanton.
- Requires the Fulton County prosecuting attorney, beginning January 1, 2024, to prosecute all violations of state law arising within the unincorporated areas of Fulton County.
- Specifies transition provisions, effective January 1, 2024, from the Fulton County County Court to the Fulton County Municipal Court.

DETAILED ANALYSIS

Fulton County County Court

Under current law, the Fulton County County Court has one part-time judge who was originally elected in 1980, and one part-time judge who was originally elected in 1982.¹ The part-time judgeship originally elected in 1980 was last elected in 2016. The part-time judgeship originally elected in 1982 was last elected in 2018.

The bill abolishes the Fulton County County Court effective January 1, 2024.² Effective January 1, 2022, the bill abolishes the part-time judgeship in the Fulton County County Court originally elected in 1980. Effective January 1, 2024, the bill abolishes the part-time judgeship in the Fulton County County Court originally elected in 1982.³

Fulton County Municipal Court

The bill establishes a municipal court in the municipal corporation of Wauseon and provides that that municipal court, beginning January 1, 2024, is to be styled and known as the “Fulton County Municipal Court.”⁴ Effective on that date, the Fulton County Municipal Court is included in the definition of “county operated municipal court.”⁵ One full-time judge of the Fulton County Municipal Court is to be elected in 2023.⁶

Territorial jurisdiction

The bill provides that beginning January 1, 2024, the Fulton County Municipal Court has jurisdiction within Fulton County.⁷

Branch office

The bill requires the Fulton County Municipal Court to establish a branch office in the municipal corporation of Swanton and to appoint a special deputy clerk to administer the branch office on a full-time basis. The special deputy clerk must take the oath of office, perform the duties appertaining to the office of the clerk of court as the court prescribes, and receive such compensation payable in either biweekly installments or semimonthly installments, as

¹ R.C. 1907.11(A).

² R.C. 1907.11(A) and Section 3(A).

³ Section 3(D).

⁴ R.C. 1901.01(A) and 1901.02(A)(34).

⁵ R.C. 1901.03(F).

⁶ R.C. 1901.08.

⁷ R.C. 1901.02(B).

determined by the payroll administrator, and payable out of the treasury of the county in which the court is located which is Fulton County.⁸

Court sitting outside municipal corporation

The bill requires the judge of the Fulton County Municipal Court to sit within each of the municipal corporations of Wauseon and Swanton on a weekly basis. Cases that arise within Wauseon and within Chesterfield, Clinton, Dover, Franklin, German, and Gorham townships in Fulton county must be filed in the office of the clerk of the court located in Wauseon. Cases that arise in Swanton and within Amboy, Fulton, Pike, Swan Creek, Royalton, and York townships must be filed in the office of the special deputy clerk located in Swanton.⁹

Criminal prosecutions

Under current law, with certain exceptions, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court of the municipal corporation in which a municipal court is located must prosecute all criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.¹⁰ Some of the exceptions require the Carroll County, Crawford County, Hamilton County, Madison County, and Wayne County prosecuting attorneys and, beginning January 1, 2008, the Erie County prosecuting attorney, to prosecute all violations of state law arising within the unincorporated areas of their respective counties.¹¹ The bill expands these exceptions by requiring the Fulton County prosecuting attorney, beginning January 1, 2024, to prosecute all violations of state law arising within the unincorporated areas of Fulton County.¹²

Transition provisions

The bill requires all causes, judgments, executions, and other proceedings pending in the Fulton County County Court at the close of business on December 31, 2023, to be transferred to and proceed in the Fulton County Municipal Court on January 1, 2024, as if originally instituted in the Fulton County Municipal Court. The Clerk of the Fulton County County Court or other custodian must transfer to the Fulton County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Fulton County County Court, or any officer of that court, that pertain to those causes, judgments, executions, and proceedings at the close of business on December 31, 2023. All

⁸ R.C. 1901.311(A) and (C).

⁹ R.C. 1901.021(O).

¹⁰ R.C. 1901.34(A).

¹¹ R.C. 1901.34(B).

¹² R.C. 1901.34(B).

employees of the Fulton County County Court must be transferred to and must become employees of the Fulton County Municipal Court on January 1, 2024.¹³

Effective January 1, 2022, the part-time judgeship in the Fulton County County Court originally elected in 1980 must be abolished. Effective January 1, 2024, the part-time judgeship in the Fulton County County Court originally elected in 1982 must be abolished.¹⁴

HISTORY

Action	Date
Introduced	12-16-21

H0518-I-134/ks

¹³ Section 3(B) and (C).

¹⁴ Section 3(D).