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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

H.B. 518\*  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by Senate Judiciary

**Primary Sponsor:** Rep. Hoops

Dennis M. Papp, Attorney

### SUMMARY

#### **Fulton County County Court and Fulton County Municipal Court**

- Abolishes the Fulton County County Court, with two part-time judges, effective January 1, 2024.
- Effective January 1, 2023, 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.

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\* This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- 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, with other criminal prosecutions in the Court being handled in accordance with relevant provisions of existing law.
- Specifies transition provisions, effective January 1, 2024, from the Fulton County County Court to the Fulton County Municipal Court.

### **Hamilton County Municipal Court**

- Makes it permissive, instead of mandatory as under current law, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of the Court to sit outside Cincinnati.

### **Toledo Municipal Court Housing Division**

- Expands the jurisdiction of the Toledo Municipal Court Housing Division to include any review or appeal of a final administrative order relating to a building, housing, air pollution, sanitation, health, fire, zoning, or safety code or regulation.
- Generally grants the Toledo Municipal Court Housing Division concurrent jurisdiction with the court of common pleas in criminal actions related to air, ground, or water pollution.

### **Fairborn Municipal Court**

- Adds one full-time judge to the Fairborn Municipal Court to be elected in 2023.

### **East Liverpool Municipal Court and Columbiana County Municipal Court**

- Abolishes the East Liverpool Municipal Court, which has jurisdiction in East Liverpool and Liverpool and St. Clair townships in Columbiana County and in certain portions of the Ohio River, and abolishes its sole judgeship, to take effect on the bill's effective date.
- Removes the exception of East Liverpool and Liverpool and St. Clair townships from the current territorial jurisdiction of the Columbiana County Municipal Court, resulting in the Columbiana County Municipal Court having jurisdiction within Columbiana County.
- Specifies transition provisions, including the transfer of all causes, judgments, executions, and proceedings pending in the East Liverpool Municipal Court on the bill's effective date, to the Columbiana County Municipal Court.
- Relocates provisions related to the clerk of the Columbiana County Municipal Court that generally apply to territories with populations of less than 100,000 to territories with populations of 100,000 or more.

## Portage County Court of Common Pleas – Domestic Relations Division and Juvenile Division

- Generally expands the jurisdiction of the Division of Domestic Relations of the Portage County Court of Common Pleas to include, among others, proceedings involving parentage, child support, allocation of parental rights and responsibilities, and relief from paternity determinations.
- Excludes from the jurisdiction of a juvenile court, including the Juvenile Division of the Portage County Court of Common Pleas, certain proceedings that are included in the expanded jurisdiction of the Court’s Division of Domestic Relations.

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## 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.<sup>1</sup> County court judges are elected for six-year terms, commencing January 1 in the year following the year of their election.<sup>2</sup> 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.<sup>3</sup> Effective January 1, 2023, the bill abolishes the part-time judgeship in the Fulton County County Court originally elected in 1980, whose current term ends December 31, 2022. Effective January 1, 2024, the bill abolishes the part-time judgeship in the Fulton County County Court originally elected in 1982, whose current term ends December 31, 2023.<sup>4</sup>

### 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.”<sup>5</sup> Effective on that date, the Fulton County Municipal Court is included in the definition of “county operated municipal court.”<sup>6</sup> One full-time judge of the Fulton County Municipal Court is to be elected in 2023.<sup>7</sup> Municipal court judges are elected for six-year terms – in courts with only one judge, the judge’s term commences January 1 in the year following the year of the judge’s election.<sup>8</sup>

Existing law, unchanged by the bill and relevant to the Fulton County Municipal Court, provides that the board of county commissioners of a county in which a county-operated municipal court is located pays all costs of operation of the court. With exceptions for certain courts not relevant to the bill, the county in which a county-operated municipal court is located receives all costs, fees, and other moneys received by the court, except fines collected for municipal ordinance violations, for certain township resolution violations, and for special disbursements specified in R.C. 307.515, R.C. 5503.04, and any other R.C. section requiring a specific manner of disbursement.<sup>9</sup> Other existing provisions, unchanged by the bill and relevant

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<sup>1</sup> R.C. 1907.11(A).

<sup>2</sup> R.C. 1907.13, not in the bill.

<sup>3</sup> R.C. 1907.11(A) and Section 3(A).

<sup>4</sup> Section 3(D).

<sup>5</sup> R.C. 1901.01(A) and 1901.02(A)(34).

<sup>6</sup> R.C. 1901.03(F).

<sup>7</sup> R.C. 1901.08.

<sup>8</sup> R.C. 1901.07(A), not in the bill.

<sup>9</sup> R.C. 1901.024, not in the bill.

to the Fulton County Municipal Court, specify the manner in which a municipal court clerk is to disburse costs, fees, fines, bail, and other moneys payable to the clerk.<sup>10</sup>

### **Territorial jurisdiction**

The bill provides that beginning January 1, 2024, the Fulton County Municipal Court has jurisdiction within Fulton County.<sup>11</sup>

### **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 and perform the duties appertaining to the office of the clerk of court as the court prescribes, and receives such compensation payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, and payable out of the treasury of the county in which the court is located (which is Fulton County).<sup>12</sup>

### **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.<sup>13</sup>

### **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 must prosecute all criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.<sup>14</sup> One of the exceptions requires 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.<sup>15</sup> The bill expands this exception by requiring the Fulton County prosecuting attorney, beginning January 1, 2024, to prosecute all violations of state law arising within the unincorporated areas

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<sup>10</sup> R.C. 1901.31(F), not in the bill.

<sup>11</sup> R.C. 1901.02(B).

<sup>12</sup> R.C. 1901.311(A) and (C).

<sup>13</sup> R.C. 1901.021(O).

<sup>14</sup> R.C. 1901.34(A).

<sup>15</sup> R.C. 1901.34(B).

of Fulton County.<sup>16</sup> Under existing law, unchanged by the bill and applicable to the Fulton County prosecuting attorney under the bill, with limited exceptions not relevant to the bill, the prosecuting attorney of any county given the duty of prosecuting in municipal court violations of state law receives no additional compensation for assuming the additional duties.<sup>17</sup>

Other existing provisions regarding criminal prosecutions, unchanged by the bill and applicable to the Fulton County Municipal Court, specify that, with certain exceptions not relevant to the bill:<sup>18</sup> (1) the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court prosecutes all cases brought before the court for criminal offenses occurring within the municipal corporation served by that person in that capacity, and (2) the prosecuting attorney of any county may enter into an agreement with any municipal corporation in the county served by the prosecuting attorney pursuant to which the prosecuting attorney prosecutes all criminal cases brought before the municipal court with territorial jurisdiction over that municipal corporation for criminal offenses occurring within the municipal corporation.

## **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 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.<sup>19</sup>

## **Hamilton County Municipal Court**

Under continuing law, generally, the judge or judges of any municipal court having territorial jurisdiction outside the corporate limits of the municipal corporation in which it is located may sit outside the corporate limits of the municipal corporation within the area of its territorial jurisdiction.<sup>20</sup>

Current law requires that two or more of the judges of the Hamilton County Municipal Court be assigned by the presiding judge of the Court to sit outside the municipal corporation

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<sup>16</sup> R.C. 1901.34(B).

<sup>17</sup> R.C. 1901.34(B).

<sup>18</sup> R.C. 1901.34(A).

<sup>19</sup> Section 3(B) and (C).

<sup>20</sup> R.C. 1901.021(A).

of Cincinnati.<sup>21</sup> The bill makes it permissive, instead of mandatory, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of that Court to sit outside Cincinnati.<sup>22</sup>

## **Toledo Municipal Court Housing Division**

Current law, unchanged by the bill, creates a Housing Division in the Toledo Municipal Court.<sup>23</sup>

### **Review of administrative orders**

The bill expands the jurisdiction of the Housing Division of the Toledo Municipal Court within its territory to include, in addition to its general jurisdiction (see below), any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation in the same manner and to the same extent as in similar appeals in the court of common pleas.<sup>24</sup>

### **Criminal cases related to environmental pollution**

The bill grants the Housing Division of the Toledo Municipal Court, in addition to its general jurisdiction (see below), concurrent jurisdiction with the court of common pleas in all criminal actions or proceedings related to the pollution of the air, ground, or water within the territory of the municipal court, for which a sentence of death cannot be imposed under the homicide and assault laws.<sup>25</sup>

### **General jurisdiction of a housing division**

Current law, unchanged by the bill, specifies that if a municipal court has a housing division, the division has exclusive jurisdiction within the court's territory: (1) in any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to premises used or intended for use as a place of human habitation, buildings, structures, or any other real property subject to any such code, ordinance, or regulation, (2) subject to a limited exception regarding felony offenses, in any criminal action for a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to premises used or intended for use as a place of human habitation, buildings, structures, or any other real property subject to any such code, ordinance, or regulation; and (3) in any civil action described in R.C. 3767.41(B)(1) that relates to a public nuisance.<sup>26</sup>

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<sup>21</sup> R.C. 1901.021(B).

<sup>22</sup> R.C. 1901.021(B).

<sup>23</sup> R.C. 1901.011, not in the bill.

<sup>24</sup> R.C. 1901.181(C)(1).

<sup>25</sup> R.C. 1901.181(C)(2).

<sup>26</sup> R.C. 1901.181(A).

## **Additional judge for Fairborn Municipal Court**

Under existing law, the Fairborn Municipal Court has one full-time judge. The bill adds a second full-time judge to be elected in 2023,<sup>27</sup> for a term beginning January 1, 2024. Municipal court judges are elected for six-year terms.<sup>28</sup>

The term of the current judge of the Fairborn Municipal Court, who was elected in 2019, expires on December 31, 2025. That judge or that judge's successor will be elected in 2025 for a term beginning on January 1, 2026.

## **East Liverpool Municipal Court**

### **Current law**

Under the current Municipal Court Law, a municipal court is established in the municipal corporation of East Liverpool, which is in Columbiana County. The East Liverpool Municipal Court has jurisdiction within East Liverpool and Liverpool and St. Clair townships, located in Columbiana County.<sup>29</sup>

The East Liverpool Municipal Court also has jurisdiction beyond the north or northwest shore of the Ohio River extending to the opposite shore line, between the extended boundary lines of any adjacent municipal or county courts. The East Liverpool Municipal Court has concurrent jurisdiction on the Ohio River with any adjacent municipal or county courts that border on that river and with any court of Kentucky or of West Virginia that borders on the Ohio River and has jurisdiction on the Ohio River under the law of Kentucky or of West Virginia, whichever is applicable, or under federal law.<sup>30</sup>

The East Liverpool Municipal Court has one full-time judgeship originally elected in 1953.<sup>31</sup> The current judge was elected in 2019.

### **The bill**

The bill abolishes the East Liverpool Municipal Court, its territorial jurisdiction as described above, and its full-time judgeship.<sup>32</sup> It provides that the East Liverpool Municipal Court continues in operation until the bill's effective date, at which time that court will cease operations and its existence will terminate.<sup>33</sup>

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<sup>27</sup> R.C. 1901.08.

<sup>28</sup> R.C. 1901.07(A), not in the bill.

<sup>29</sup> R.C. 1901.01(A) and 1901.02(B).

<sup>30</sup> R.C. 1901.027

<sup>31</sup> R.C. 1901.08.

<sup>32</sup> R.C. 1901.01(A), 1901.02(B), 1901.027, and 1901.08.

<sup>33</sup> Section 3.



## **Columbiana County Municipal Court**

### **Establishment of the court**

Under current law, a municipal court is established within Columbiana County in Lisbon or in any other municipal corporation or unincorporated territory within Columbiana County, except East Liverpool or Liverpool or St. Clair township, that is selected by the judges of the Columbiana County Municipal Court as a central location within the court's territorial jurisdiction pursuant to the provision allowing each judge of the court to sit within a specified municipal corporation until the judges jointly select a central location, at which time the judges must sit at that location.<sup>34</sup> The bill eliminates the above exception for East Liverpool or Liverpool or St. Clair township.<sup>35</sup>

### **Territorial jurisdiction**

Current law provides that the Columbiana County Municipal Court has jurisdiction within all of Columbiana County except within East Liverpool and Liverpool and St. Clair townships.<sup>36</sup> Due to the bill's abolition of the East Liverpool Municipal Court, the bill removes the exception of East Liverpool and Liverpool and St. Clair townships, and provides that the Columbiana County Municipal Court has jurisdiction within Columbiana County.<sup>37</sup> The bill also removes the existing provision that the Columbiana County Municipal Court has jurisdiction within the municipal corporation or unincorporated territory in which it is established.<sup>38</sup>

### **Clerk of Court**

Currently, in the Columbiana County Municipal Court, the clerk of courts of Columbiana County is the clerk of the Municipal Court, may appoint a chief deputy clerk for each branch office established for the Court, and may appoint any assistant clerks that the judges of the Court determine are necessary. All of the chief deputy clerks and assistant clerks receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana County, acting as the clerk of the Columbiana County Municipal Court and assuming the duties of that office, receives in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in specified provisions of law. These provisions are located in the portion of law pertaining to municipal court for which the population of the territory is less than 100,000.<sup>39</sup>

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<sup>34</sup> R.C. 1901.01(C) and by reference to R.C. 1901.021(I), not in the bill.

<sup>35</sup> R.C. 1901.01(C).

<sup>36</sup> R.C. 1901.02(B).

<sup>37</sup> R.C. 1901.02(B).

<sup>38</sup> R.C. 1901.02(A).

<sup>39</sup> R.C. 1901.31(A)(2).

The bill relocates the provisions regarding the Columbiana County Municipal Court to the portion of law for which the population of the court's territory equals or exceeds 100,000. Under the bill, in the Columbiana County Municipal Court, the clerk of courts of Columbiana County will be the clerk of the Municipal Court, may appoint a chief deputy clerk for each branch office established for the Court, and may appoint any assistant clerks that the judges of the Court determine are necessary. All of the chief deputy clerks and assistant clerks will receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana County, acting as the clerk of the Columbiana County Municipal Court and assuming the duties of that office, receives in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in specified provisions of law.<sup>40</sup>

### **Transition provisions**

The bill requires that all causes, executions, and other proceedings pending in the East Liverpool Municipal Court on its effective date be transferred to and proceed in the Columbiana County Municipal Court on that effective date, as if originally instituted in the Columbiana County Municipal Court. The Clerk of the East Liverpool Municipal Court or other custodian must transfer to the Columbiana 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 East Liverpool Municipal Court, or any officer of that court, at the close of business on the bill's effective date, and that pertain to those causes, judgments, executions, and proceedings.<sup>41</sup>

## **Portage County Court of Common Pleas, Division of Domestic Relations**

### **Expanded jurisdiction**

Current law provides that the judge of the Portage County Court of Common Pleas, Division of Domestic Relations, must be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that for some special reason are assigned to some other judge of that court of common pleas.<sup>42</sup> The bill provides that the judge is also assigned all post-decree proceedings and matters arising from those cases.<sup>43</sup>

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<sup>40</sup> R.C. 1901.31(A)(1).

<sup>41</sup> Section 4.

<sup>42</sup> R.C. 2301.03(P).

<sup>43</sup> R.C. 2301.03(P).

The bill expands current law by requiring that the judge of the Domestic Relations Division be assigned the following:<sup>44</sup>

- All cases arising under the Paternity and Parentage Law;
- All proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation;
- All proceedings arising under the Uniform Interstate Family Support Act;
- All proceedings arising from a motion for relief from a paternity determination or support order;
- All proceedings arising under the Uniform Child Custody Jurisdiction and Enforcement Act; and
- All post-decree proceedings and matters arising from the above cases and proceedings.

The bill excludes from the above cases and proceedings assigned to the judge of the Domestic Relations Division, cases that for some special reason are assigned to some other judge of the court of common pleas.<sup>45</sup>

### **Duties of Domestic Relations Division personnel**

Current law provides that in addition to the statutory duties of the personnel of the Domestic Relations Division, their duties include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, and providing counseling and conciliation services that the Division makes available to persons, whether or not they are parties to an action pending in the Division, who request the services.<sup>46</sup>

The bill expands the duties of the Domestic Relations Division personnel to include the handling, servicing, and investigation of cases and proceedings described in the dot points above under “**Expanded jurisdiction,**” and providing counseling and conciliation services that the Division makes available to persons, whether or not they are parties to an action pending in the Division, who request the services.<sup>47</sup>

### **Exclusion from juvenile court jurisdiction**

Under current law, the juvenile court has original jurisdiction as follows:<sup>48</sup>

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<sup>44</sup> R.C. 2301.03(P) and by reference to R.C. Chapters 3111, 3115, and 3127, and R.C. 3119.96 to 3119.967, not in the bill.

<sup>45</sup> R.C. 2301.03(P).

<sup>46</sup> R.C. 2301.03(P).

<sup>47</sup> R.C. 2301.03(P) and by reference to R.C. Chapters 3111, 3115, and 3127, and R.C. 3119.96 to 3119.967, not in the bill.

<sup>48</sup> R.C. 2151.23(B)(2) to (9).

- To determine the paternity of a child born out of wedlock under the Paternity and Parentage Law;
- Under the Uniform Interstate Family Support Act;
- To hear and determine applications for the support of a child not a ward of another court;
- To rescind an acknowledgment of paternity;
- In motions for relief from a paternity determination or support order;
- Regarding a power of attorney granted to a residential grandparent for the care and custody of a child, or a caretaker authorization affidavit;
- To enforce an order for the return of a child under the Hague Convention pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act;
- To grant any relief to enforce a child custody determination made by another state's court and registered in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act.

Currently, under the above provision, the Juvenile Division of the Portage County Court of Common Pleas has original jurisdiction over the above proceedings. The bill excludes those proceedings from the Juvenile Division's original jurisdiction, as they would come under the expanded jurisdiction of the Division of Domestic Relations.<sup>49</sup>

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## HISTORY

Action	Date
Introduced	12-16-21
Reported, H. Civil Justice	03-02-22
Passed House (96-0)	03-09-22
Reported, S. Judiciary	---

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<sup>49</sup> R.C. 2151.23(B).