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135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Stewart and Brown

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### SUMMARY

#### **Filing of pleadings in electronic format in common pleas court**

- Requires the clerk of a common pleas court to determine whether the filing of pleadings or documents in electronic format may be accomplished by electronic mail or through the use of an online platform.
- Prohibits the clerk from doing the following:
  - Requiring that any fee for such filing be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.
  - Requiring a fee for such filing that is greater than the applicable fee for the filing of pleadings or documents in paper format.
- Provides that its provisions do not apply to a probate court or juvenile court.

#### **Filing of pleadings in municipal court or county court**

- Provides that pleadings or documents may be filed with the clerk of a municipal court or the clerk of a county court either in paper format or in electronic format.
- Stipulates that documents created by such clerk in the exercise of the clerk's duties may be created in an electronic format.
- Requires the clerk of a municipal court or county court to determine whether the filing of pleadings or documents in electronic format may be accomplished by electronic mail or through the use of an online platform.
- Prohibits such clerk from doing the following:
  - Requiring that any fee for such filing be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.
  - Requiring a fee for such filing that is greater than the applicable fee for the filing of pleadings or documents in paper format.

## **Clerks of court authorization**

- Removes the requirement that funds for the computerization of municipal, county, and common pleas court clerks must be authorized and disbursed by the court, and instead permits the clerk to do so.

## **Municipal and county court additional fee increase**

- Permits municipal and county courts to increase the maximum amount of their additional fees from \$10 to \$20 to cover the computerization of the clerk's office.

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# **DETAILED ANALYSIS**

## **Filing of pleadings and documents**

### **Court of common pleas**

#### **Filing in paper or electronic format**

Continuing law provides that pleadings or documents may be filed with the clerk of the court of common pleas in paper format or in electronic format.<sup>1</sup>

Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format.<sup>2</sup>

#### **Official record**

Under continuing law, when pleadings or documents are received or created in, or converted to, an electronic format, the pleadings or documents in that format must be considered the official version of the record.<sup>3</sup>

#### **Filing of pleadings or documents in electronic format**

The bill requires the clerk to determine whether the filing of pleadings or documents in electronic format may be accomplished by electronic mail or through the use of an online platform.<sup>4</sup>

The fee for the filing of pleadings or documents in electronic format may be paid after the filing. The clerk must not do either of the following:<sup>5</sup>

- Require that any fee for such filing be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.

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<sup>1</sup> R.C. 2303.081(A).

<sup>2</sup> R.C. 2303.081(C).

<sup>3</sup> R.C. 2303.081(D).

<sup>4</sup> R.C. 2303.081(B)(1).

<sup>5</sup> R.C. 2303.081(B)(2) and (3).

- Require a fee for such filing that is greater than the applicable fee for the filing of pleadings or documents in paper format.

The bill's provisions above do not apply to the filing of pleadings or documents in a probate court or juvenile court.<sup>6</sup>

The bill applies the provision in the law described above in "**Official record**" to its provisions.<sup>7</sup>

## **Municipal court and county court**

### **Filing in paper or electronic format**

The bill provides that pleadings or documents may be filed with the clerk of a municipal court or the clerk of a county court either in paper format or in electronic format.<sup>8</sup>

Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of a municipal court or of a county court in the exercise of the clerk's duties may be created in an electronic format.<sup>9</sup>

### **Filing of pleadings or documents in electronic format**

The bill requires the clerk of a municipal court or the clerk of a county court to determine whether the filing of pleadings or documents in electronic format may be accomplished by electronic mail or through the use of an online platform.<sup>10</sup>

The fee for the filing of pleadings or documents in electronic format may be paid after the filing. The clerk must not do either of the following:<sup>11</sup>

- Require that any fee for such filing be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.
- Require a fee for such filing that is greater than the applicable fee for the filing of pleadings or documents in paper format.

### **Official record**

Under the bill, when pleadings or documents are received or created in, or converted to, an electronic format, the pleadings or documents in that format must be considered the official version of the record.<sup>12</sup>

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<sup>6</sup> R.C. 2303.081(B)(4).

<sup>7</sup> R.C. 2303.081(D).

<sup>8</sup> R.C. 1901.313(A) and 1907.202(A).

<sup>9</sup> R.C. 1901.313(C) and 1907.202(C).

<sup>10</sup> R.C. 1901.313(B)(1) and 1907.202(B)(1)

<sup>11</sup> R.C. 1901.313(B)(2) and (3) and 1907.202(B)(2) and (3).

<sup>12</sup> R.C. 1901.313 (D) and 1907.202(D).

## Clerks of court authorization

Under current law municipal court clerks, county court clerks, and common pleas court clerks are not allowed to disburse funds for the computerization of the courts. Under current law the court clerks must be authorized by the court and funds must be disbursed by the court. The bill removes the court authorization requirement and permits municipal court clerks, county court clerks, and common pleas court clerks to disburse funds for the computerization of the courts.<sup>13</sup>

## Municipal and county court additional fee increase

Continuing law provides that municipal and county courts may determine that additional funds are needed to computerize the offices of the clerks of court for efficient operation. The bill increases the additional fee municipal and county courts may include in their fees and costs schedule from not more than \$10 to not more than \$20 for electronic filing or related electronic tasks.<sup>14</sup>

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### HISTORY

Action	Date
Introduced	10-18-23

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<sup>13</sup> R.C. 1901.261(B)(1), 1907.261(B)(1), and 2303.201(B)(1).

<sup>14</sup> R.C. 1901.261(B)(1) and 1907.261(B)(1).