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H.B. 283
135th General Assembly

Bill Analysis

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Version: As Reported by House Civil Justice

Primary Sponsors: Reps. Pizzulli and Schmidt

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SUMMARY

- Creates a new judgeship of the Adams County Common Pleas Court, to be elected in 2024, six-year term to begin February 9, 2025.
- Provides that beginning on February 9, 2029, such judge will be designated as the judge of the Adams County Common Pleas Court, Probate and Juvenile Division, with the powers relating to juvenile courts and probate courts.
- Specifies the deadlines for filing the declaration of candidacy and petition of a candidate for nomination at the March 19, 2024, primary election to the office of Judge of the Adams County Common Pleas Court, for determining the validity or invalidity of the declaration, and for filing any protest against the candidacy.
- Declares an emergency.

DETAILED ANALYSIS

Adams County Common Pleas Court

New judgeship

Under current law, the Adams County Common Pleas Court has one judge, most recently elected in 2022, term began February 9, 2023.¹

The bill creates a new judgeship with that judge to be elected in 2024, six-year term to begin February 9, 2025.²

¹ R.C. 2301.02(A).

² R.C. 2301.02(A).

Judge of the Probate and Juvenile Division

Under the bill, subject to the following sentence, the judge of the Adams County Common Pleas Court whose term begins on February 9, 2025, and successors, will have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the Adams County Common Pleas Court. Beginning on February 9, 2029, the judge of the common pleas court whose term begins on February 9, 2025, and successors, will be designated as the judge of the Adams County Common Pleas Court, Probate and Juvenile Division. The judge will have the following powers and cases:³

- All of the powers relating to juvenile courts, and all cases under the Juvenile Court Laws;
- All parentage proceedings arising under the Parentage Law over which the juvenile court has jurisdiction;
- All powers relating to probate courts, and all matters that are within the jurisdiction of the probate court under the Probate Court Law and other provisions of the Revised Code.

The bill provides that on and after February 9, 2029, all references in law to “the probate court,” “the probate judge,” “the juvenile court,” or “the judge of the juvenile court” are to be construed, with respect to Adams County, as being references to the Probate and Juvenile Division and as being references to the judge of the Probate and Juvenile Division.⁴

Election of judges of probate division of court of common pleas

Under current law, judges of the probate division of the court of common pleas are judges of the court of common pleas but are elected pursuant to the Probate Court Law, except in Adams and other specified counties in which the judge of the court of common pleas elected pursuant to the law pertaining to the election of judges of courts of common pleas also serves as judge of the probate division. The bill removes the exception for Adams County in the above provision.⁵

Conforming and corrective changes

The bill makes a conforming change in the Juvenile Court Law.⁶

The bill makes a corrective change with respect to the Hardin County Common Pleas Court to conform to the creation of an additional judge of that court by S.B. 312 of the 133rd General Assembly.⁷

³ R.C. 2301.03(GG)(1).

⁴ R.C. 2301.03(GG)(2).

⁵ R.C. 2301.02.

⁶ R.C. 2151.07.

⁷ R.C. 2301.02(A).

Filing declaration of candidacy

The bill provides that notwithstanding any contrary provision in the deadlines for filing declarations of candidacy under the Election Law, all of the following apply:⁸

- A candidate for nomination at the March 19, 2024, primary election to the office of Judge of the Adams County Common Pleas Court must file the candidate's declaration of candidacy and petition not later than 4:00 p.m. on January 4, 2024.
- The Adams County Board of Elections must determine the validity or invalidity of the declaration of candidacy and the signatures on the petition not later than January 5, 2024.
- Any protest against the candidacy must be filed not later than 4:00 p.m. on January 6, 2024.

Emergency clause

The bill provides that the act is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to allow an additional judge to be elected to the Adams County Common Pleas Court in 2024 in order to respond to the increase in certain caseloads in that court.⁹

HISTORY

Action	Date
Introduced	09-26-23
Reported, H. Civil Justice	12-06-23

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⁸ Section 3.

⁹ Section 5.