



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Nicholas A. Keller

Sub. S.B. 25

132nd General Assembly
(As Passed by the General Assembly)

Sens. Hottinger, Coley, Bacon, Balderson, Dolan, Eklund, Gardner, Hoagland, Skindell, Thomas, Yuko

Reps. Manning, Rezabek, Conditt, Rogers, Barnes, Blessing, Boyd, Celebrezze, Galonski, Hill, Leland, Miller, Patton, Riedel, Schaffer, Seitz, Sheehy, K. Smith, Sprague, Sweeney

Effective date: Emergency, June 13, 2017; sections related to the abolishment of Perry County County Court and creation of Perry County Municipal Court effective January 1, 2018

ACT SUMMARY

Perry County Municipal Court

- Effective January 1, 2018, abolishes the Perry County County Court and its part-time judgeship and creates in New Lexington the Perry County Municipal Court with one full-time judge and with jurisdiction within Perry County.
- Specifies that the judge of the Perry County Municipal Court initially will be elected in 2017 and nominated only by petition.
- Provides that the Clerk of Courts of Perry County is the Clerk of the Perry County Municipal Court.
- Requires the Perry County Prosecuting Attorney to prosecute in the Perry County Municipal Court all violations of state law arising in Perry County.
- Authorizes the Perry County Prosecuting Attorney to enter into an agreement with any municipal corporation in Perry County to prosecute all cases brought in the Perry County Municipal Court for violations of the municipal corporation's ordinances or for certain offenses occurring within the municipal corporation.
- Includes transition provisions upon the abolition of the Perry County County Court and the establishment of the Perry County Municipal Court.

Criminal Justice Recodification Committee

- Allows the member of the Criminal Justice Recodification Committee who must be a Justice of the Supreme Court and the member who must be a sheriff to be a current or former Justice of the Supreme Court, or current or former sheriff, respectively.
- Requires members of the Committee who are elected officials to serve until the committee is abolished.

CONTENT AND OPERATION

Perry County Municipal Court

Creation, judge, jurisdiction, and operation

The act abolishes the Perry County County Court and creates the Perry County Municipal Court to be established in New Lexington beginning January 1, 2018. In the Perry County Municipal Court, one full-time judge will be elected in 2017.¹

Beginning January 1, 2018, the Perry County Municipal Court has jurisdiction within Perry County and is a "county-operated municipal court." The judge of the Perry County Municipal Court will be nominated only by petition that must be signed by at least 50 electors of the territory of the Court and conform to the legal requirements for the nomination of municipal court judges.²

Clerk of courts and assistant clerks

The act makes the Clerk of Courts of Perry County the Clerk of the Perry County Municipal Court. It allows the Clerk to appoint a chief deputy clerk for each branch office that the municipal court establishes pursuant to continuing law, and assistant clerks as the judge of the court determines are necessary, all of whom will receive the compensation that the Perry County board of county commissioners, as the court's legislative authority, prescribes.³

The Clerk of Courts of Perry County, acting as the Clerk of the Perry County Municipal Court and assuming the duties of that office, will receive compensation payable from the Perry County treasury in semi-monthly installments at $\frac{1}{4}$ the rate prescribed for the clerk of courts of common pleas, as determined in accordance with

¹ R.C. 1901.01(A), 1901.02(A)(32), 1901.08, and 1907.11(A).

² R.C. 1901.02(B), 1901.03(F), and 1901.07(C)(6).

³ R.C. 1901.03(B) and 1901.31(A)(2)(c).



the county's population and the rates set forth in the laws setting the salary schedules for clerks of courts of common pleas and the salary increases for county elected officials.⁴ The continuing law on group health care coverage for clerks, deputy clerks, and their spouses and dependents will not apply to the Clerk of the Perry County Municipal Court if health care coverage is provided to the Clerk by virtue of the Clerk's employment as the Clerk of the Court of Common Pleas of Perry County.⁵

Criminal prosecutions

The act requires the Perry County Prosecuting Attorney to prosecute in the Perry County Municipal Court all violations of state law arising in Perry County. It allows the Prosecuting Attorney to enter into an agreement with any municipal corporation in the county to prosecute all cases brought before the municipal court for violations of the municipal corporation's ordinances or for criminal offenses, other than violations of state law, occurring within the municipal corporation. For prosecuting these cases under the agreement, the Prosecuting Attorney and the municipal corporation may agree on a fee to be paid by the municipal corporation. The fee must be paid into the Perry County treasury, to be used to cover the expenses of the Prosecuting Attorney's office.⁶

Transition provisions and effective date

The act abolishes the Perry County County Court, effective January 1, 2018. All causes, judgments, executions, and other proceedings pending in that court at the close of business on December 31, 2017, must be transferred to and proceed in the Perry County Municipal Court on January 1, 2018, as if originally instituted in the municipal court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of the municipal court. The Clerk of the Perry County County Court or other custodian must transfer to the Perry 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 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, 2017. All employees of the county court must be transferred to and become employees of the Perry County Municipal

⁴ R.C. 1901.31(A)(2)(c).

⁵ R.C. 1901.312(D).

⁶ R.C. 1901.34(B) and (D).



Court on January 1, 2018. On that date, the part-time judgeship in the county court is abolished.⁷

The Revised Code sections pertaining to the creation of the Perry County Municipal Court⁸ take effect January 1, 2018.⁹ The sections that pertain to elections¹⁰ take effect immediately (June 13, 2017).¹¹

Criminal Justice Recodification Committee

The act allows the member of the Criminal Justice Recodification Committee who must be a Justice of the Supreme Court and the member of the Committee who must be a sheriff to be a current or former Justice of the Supreme Court, or current or former sheriff, respectively. The act also eliminates a requirement that an elected official who serves on the Committee serve only until the person's term of office expires. Instead, an elected official on the Committee must serve until the Committee ceases to exist.¹²

The Committee was created by legislation enacted in 2014 and was required to recommend to the General Assembly a comprehensive plan for revising Ohio's Criminal Code. The Committee submitted its report to the General Assembly on June 15, 2017, and was abolished.¹³

HISTORY

ACTION	DATE
Introduced	01-31-17
Reported, S. Judiciary	02-14-17
Passed Senate (33-0)	02-15-17
Reported, H. Criminal Justice	03-22-17
Passed House (92-1)	06-07-17

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⁷ Section 5.

⁸ R.C. 1901.01, 1901.02, 1901.03, 1901.31, 1901.312, 1901.34, and 1907.11.

⁹ Section 6.

¹⁰ R.C. 1901.07 and 1901.08.

¹¹ Section 8.

¹² Section 729.10 of Am. Sub. H.B. 483 of the 130th General Assembly, as amended by Section 3 of the act.

¹³ Sections 729.10 and 729.11 of Am. Sub. H.B. 483 of the 130th General Assembly, as amended. The comprehensive plan can be viewed here: <http://ocjrc.legislature.ohio.gov/>.

