

Courts

H.B. 191

Primary Sponsors: Reps. Swearingen and Seitz

Effective date: Emergency: June 30, 2023

- Codifies former Criminal Rule 46.

Pretrial release generally

- Requires a court to release a defendant on the least restrictive conditions that will reasonably assure: (1) the defendant's appearance in court, (2) the protection or safety of any person or the community, and (3) that the defendant will not obstruct the criminal justice process.
- Presumes release on personal recognizance when the defendant appears pursuant to a summons issued by the court, absent good cause to the contrary.
- Requires a person who has been arrested to be brought before a judicial officer for an initial bail hearing not later than the second court day following the person's arrest.
- Requires the court to hold a second bail hearing on the second court day following the initial bail hearing if, at the initial bail hearing, the defendant was not represented by counsel, and if the defendant has not yet been released on bail.
- Requires an indigent defendant to be afforded representation by appointed counsel at the state's expense at the second bail hearing.

Conditions of release

- Requires financial conditions of release to be related to public safety, the defendant's risk of nonappearance in court, the seriousness of the offense, and the defendant's previous criminal record.
- Requires financial conditions of release to be in an amount and type least costly to the defendant while also sufficient to reasonably assure the defendant's future appearance in court.
- Establishes types of nonfinancial conditions of release, bail, and factors for determining types, amounts, and conditions of bail.

Bail bond schedule

- Requires each court to establish a bail bond schedule covering all misdemeanors, including traffic offenses, either specifically, by type, by potential penalty, or by some other reasonable method of classification.

- Requires courts to review bail bond schedules biennially by January 31 of each even-numbered year beginning in 2024 to ensure appropriate bail bond schedules that do not result in unnecessary detention of a defendant due to inability to pay.

Modification of conditions

- Permits modification of conditions of release when necessary.

Statements at bail proceeding

- Prohibits a court from receiving as substantive evidence statements or admissions of the defendant made at a bail proceeding or in the course of compliance with a condition of bail.

Failure to appear

- Provides that any person who fails to appear is subject to punishment provided by the law and the defendant's bail may be forfeited.
- Permits a court to amend the defendant's bail if the defendant breaches a condition of release.

Sureties

- Requires sureties to justify by affidavit the property that the surety proposes as security and the encumbrances on it, the number and amount of other bonds and undertakings for bail entered into by the surety and remaining undischarged, and all of the surety's other liabilities.
- Requires the surety to provide other evidence of financial responsibility as the court or clerk may require.
- Prohibits a court from approving a bail bond unless the sureties appear, in the opinion of the court or clerk, to be financially responsible in at least the amount of the bond.
- Prohibits a licensed attorney from being a surety.

S.B. 21

Primary Sponsors: Sens. McColley and Reynolds

Effective date: September 29, 2023

Appeals of administrative orders

- Modifies the Administrative Procedure Act regarding appeals by a party adversely affected by an order of an agency as follows:
 - Allows the party to appeal to the common pleas court of the county where the party's business is located or where the party resides, instead of to the Franklin County Court of Common Pleas;

- Requires, instead of permitting, appeals from orders of the State Fire Marshal be to the common pleas court of the county where the aggrieved person's building is located;
- Requires, instead of permitting, that appeals from specified administrative orders by a party who is not an Ohio resident and has no place of business in Ohio be to the Franklin County Court of Common Pleas.
- Modifies statutes governing adjudication orders of certain agencies to replace law regarding appeals to the Franklin County Court of Common Pleas, the Environmental Division of the Franklin County Municipal Court, or the court of the county in which an appointing authority resides, with the act's venue provision described above.

Special court procedures

- Provides special court procedures regarding the consideration and determination of:
 - Cases that, prior to September 29, 2023, would have been solely within the jurisdiction on appeal of the 10th District Court of Appeals (Franklin County), and on that date are pending in a common pleas court and are not pending in the 10th District.
 - Matters that, on or after September 29, 2023, are being considered by a court of appeals other than the 10th District or a common pleas court within the territory of a court of appeals other than the 10th District and, prior to that date, would have been solely within the jurisdiction on appeal of the 10th District.

No claim preclusion in zoning appeals

- Provides that a final judgment on the merits by a court pursuant to its power of review of administrative orders on claims brought under the law regarding county rural zoning or the renewal of slums and blighted areas in a county, the Township Zoning Law, or the law regarding municipal zoning, regional and county planning commissions, or interstate regional planning commissions does not preclude later claims for damages.
- States that the General Assembly intends that the above provisions in the respective laws be construed to override the federal 2021 Sixth Circuit Court of Appeals decision in the case of *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 2021).

State involvement in legal actions

- Specifies that the General Assembly and each chamber may intervene as a matter of right at any time in any civil action or proceeding in state or federal court that involves a challenge to the validity, applicability, or constitutionality of the Ohio Constitution or the laws of Ohio.
- Creates exceptions to the law that requires the Attorney General to represent a state agency in any legal action.
- Allows the Speaker of the House and the Senate President to retain their own legal counsel to represent the House, the Senate, or the General Assembly.

- Allows the Governor to retain separate legal counsel in any matter, action, or proceeding the Governor deems to be necessary and proper to protect the interests of the Office of the Governor.

Hamilton County Drug Court jurisdiction

- Allows the Hamilton County Municipal Court to refer a case to the Drug Court of the Hamilton County Court of Common Pleas if the case is eligible for admission to the Drug Court under a local rule adopted by the Hamilton County Common Pleas Court.
- Provides that a local rule may not permit referral of a case to the Drug Court if the case involves a first or second degree felony, a sex offense that is a third degree felony, or aggravated murder or murder.

Tiffin-Fostoria Municipal Court

- Transfers Perry Township in Wood County from the territorial jurisdiction of the Tiffin-Fostoria Municipal Court to the territorial jurisdiction of the Bowling Green Municipal Court, effective January 2, 2024.
- Transfers Washington Township in Hancock County from the territorial jurisdiction of the Tiffin-Fostoria Municipal Court to the territorial jurisdiction of the Findlay Municipal Court, effective January 2, 2024.

Sandusky County County Court judgeship

- Effective January 2, 2025, replaces the two part-time judges in the Sandusky County County Court with one full-time judge, to be elected in 2024, term to commence on January 2, 2025.
- Requires that, effective January 2, 2025, the compensation of the full-time judge of the Sandusky County County Court be the same as the compensation of a full-time municipal court judge.
- Removes all references in relevant statutes to “Sandusky County Municipal Court.”