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Final Analysis
Legislative Service Commission

Am. H.B. 105
123rd General Assembly
(As Passed by the General Assembly)

**Reps. Bateman, Vesper, Womer Benjamin, Callender, Jones, Willamowski,
Logan, DePiero, Hollister**

Sens. Blessing, Latta, White, Cupp, Gardner, Oelslager, Mumper

Effective date: July 29, 1999

ACT SUMMARY

- Permits the board of county commissioners of Clermont County to establish the Clermont County Municipal Court in any municipal corporation or unincorporated area within Clermont County.
- Adds a new judge to the Clermont County Municipal Court, to be elected in the general election of November, 1999, and provides for the nomination of candidates for the new judgeship.

CONTENT AND OPERATION

Clermont County Municipal Court--location and jurisdiction

Formerly

The Municipal Court Law formerly designated 117 municipal corporations and established a municipal court in each of them. Each municipal court so established had jurisdiction within the corporate limits of the municipal corporation in which it was established; most of them were given additional territorial jurisdiction within one or more specified townships or one or more specified municipal corporations, or both, and some were given additional territorial jurisdiction within the entire county in which they were located. The judges of any municipal court with territorial jurisdiction outside of the municipal corporation in which it was located generally were permitted to sit outside of the corporate limits of the municipal corporation within the area of its territorial jurisdiction, as well as within the municipal corporation in which it was located. (R.C. 1901.01, 1901.02, and 1901.021.)

Under these provisions, the Municipal Court Law formerly established the Clermont County Municipal Court in the municipal corporation of Batavia, gave it territorial jurisdiction throughout Clermont County, and permitted its judges to sit anywhere in Clermont County outside the corporate limits of Batavia. (R.C. 1901.01, 1901.02, and 1901.021.)

Related to the location of municipal courts, Mayor's Court Law formerly specified that, in all municipal corporations that were not the site of a municipal court nor a place where a judge of the Auglaize County, Crawford County, Jackson County, Miami County, Portage County, or Wayne County Municipal Court sat as required under a specified provision of the Municipal Court Law, the municipal corporation could establish a mayor's court in which the mayor, subject to certain training requirements and restrictions on repeat offense jurisdiction, could hear and determine prosecutions for violations of any ordinance of the municipality or for certain specified state or municipal traffic offenses occurring within the municipal corporation (R.C. 1905.01).

Operation of the act

The act modifies the above-described provisions of the Municipal Court Law and the Mayor's Court Law as they apply regarding the location and jurisdiction of the Clermont County Municipal Court, as follows:

(1) Under the act, instead of being located in Batavia, the Clermont County Municipal Court is established within Clermont County in Batavia or in any other municipal corporation or unincorporated territory within Clermont County that is selected by the "legislative authority" (see below) of the Clermont County Municipal Court. The act specifies that the court established under this provision is a continuation of the municipal court previously established in Batavia under the former provision of the Municipal Court Law. Preexisting law, not in the act, specifies that, for purposes of the Municipal Court Law: (a) "legislative authority" means the legislative authority of the municipal corporation in which a municipal court, other than a "county-operated municipal court," is located, and means the respective board of county commissioners of the county in which a county-operated municipal court is located, and (b) the Clermont County Municipal Court is a county-operated municipal court. (R.C. 1901.01 and 1901.02(A)(17); R.C. 1901.03--not in the act.)

(2) Under the act, instead of being specified as having jurisdiction within Batavia and, additionally, throughout Clermont County, the Clermont County Municipal Court is specified as having jurisdiction within the municipal corporation or unincorporated territory in which it is established and, additionally, throughout Clermont County (R.C. 1901.02(A) and (B)).

(3) Under the act, the judges of the Clermont County Municipal Court are specifically permitted to sit in any municipal corporation or unincorporated territory within Clermont County (R.C. 1901.021(A) and (K)).

(4) The act specifically excludes Batavia as the site of a mayor's court. Thus, if, under the act, the legislative authority of the Clermont County Municipal Court locates the Court in a municipal corporation other than Batavia or in an unincorporated territory, a mayor's court is not permitted in Batavia. (R.C. 1905.01.)

Clermont County Municipal Court--judgeships

Formerly

Formerly, the Clermont County Municipal Court had two full-time judges. These judgeships were filled most recently at the 1997 election. Municipal court judges are elected on a nonpartisan ballot for six-year terms. Judges of the Clermont County Municipal Court are nominated only by petition, signed by at least 250 electors of the Court's territory. (R.C. 1901.08; R.C. 1901.07--not in the act.)

Operation of the act

The act adds a new full-time judge to the court, to be elected in 1999 (R.C. 1901.08). Under preexisting R.C. 1901.07 (not in the act), the new judge will take office on January 1, 2000, and will serve a six-year term.

The act specifies that the nomination of candidates for the new judgeship of the Clermont County Municipal Court that it creates and that is to be elected at the 1999 general election is to be by nominating petition signed by at least 250 electors of the Court's territory, filed with the board of elections, and otherwise conforming to the provisions of the Municipal Court Law and Election Law contained in R.C. 1901.07 and 3513.261. The nominating petition must designate the term of the office to which the candidate seeks election as provided in the Election Law provision contained in R.C. 3513.28. Notwithstanding any provision of law, the nominating petition must be filed not later than 4 p.m. on August 2, 1999. The nominating petitions of candidates for the new judgeship will be processed as set forth in the Election Law provision contained in R.C. 3513.262, except that the dates for processing, public inspection, and protest set forth in that section are to be extended to reflect the August 2, 1999 filing deadline for nominating petitions. The nominating petition must designate the term of the office to which the candidate seeks election as provided in the Election Law provision contained in R.C. 3513.28.

Finally, notwithstanding the Election Law provision set forth in R.C. 3513.04, no person is prohibited from seeking election as the judge of the Clermont County Municipal Court that is created by the act because the person sought, by declaration of candidacy, a party nomination for an office or position at the May 1999 primary election. (Section 3.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 120
Reported, H. Criminal Justice	03-03-99	pp. 259-260
Passed House (96-0)	03-16-99	pp. 294-296
Reported, S. Judiciary	04-14-99	pp. 283-284
Passed Senate (32-0)	04-14-99	pp. 290-305
Passed Senate on Reconsideration (31-2)	04-20-99	pp. 321-322
House concurred in Senate changes (97-0)	04-21-99	p. 446

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