



Dennis M. Papp

Bill Analysis
Legislative Service Commission

Sub. H.B. 599*
123rd General Assembly
(As Reported by S. Judiciary)

Reps. Logan, Womer Benjamin, DePiero, Ferderber, Willamowski, Redfern, Wilson, Barnes, Salerno, Distel, Jones, Krupinski, Hartnett, Jerse, Stevens

BILL SUMMARY

- Creates the Columbiana County Municipal Court on January 1, 2002.
- Abolishes, effective January 1, 2002, the Columbiana County County Court and its three part-time judgeships.
- Authorizes the election of two full-time judges to the Columbiana County Municipal Court in 2001, with terms beginning on January 1 and January 2, 2002.
- Gives the Columbiana County Municipal Court jurisdiction within all of Columbiana County except within the jurisdiction of the East Liverpool Municipal Court (municipal corporation of East Liverpool and Liverpool and St. Clair townships), and gives the court specified jurisdiction over the Ohio River.
- Authorizes each judge of the Columbiana County Municipal Court to sit within the municipal corporation of Lisbon, Salem, or East Palestine until the judges jointly select a central location within the territorial jurisdiction of the court and requires the judges, when they select a central location, to sit at that location.
- Specifies that, for the Columbiana Municipal Court, the Columbiana County Clerk of Courts will be the clerk of the Columbiana County

** This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

- Municipal Court; permits the Columbiana County Clerk of Courts to appoint a chief deputy clerk for each branch office of the Columbiana County Municipal Court; and permits the Columbiana County Clerk of Courts to appoint any assistant clerks that the judges of the Columbiana County Municipal Court determine are necessary.
- Specifies the compensation of the Columbiana County Clerk of Courts, acting as the clerk of the Columbiana County Municipal Court.
 - Requires the Columbiana County prosecuting attorney to prosecute in Columbiana County Municipal Court all violations of state law arising within Columbiana County, except for violations arising within the jurisdiction of the East Liverpool Municipal Court.
 - Replaces the part-time judge of the Champaign County Municipal Court with a full-time judge to be elected in 2001.

CONTENT AND OPERATION

Columbiana County Municipal Court

Creation and territorial jurisdiction

Existing law. Existing law creates in each Ohio county, in which the territorial jurisdiction of a municipal court or municipal courts is not coextensive with the boundaries of the county, a court known as the county court. The county court has jurisdiction throughout all territory within the county not subject to the territorial jurisdiction of any municipal court. In addition to this territorial jurisdiction, certain county courts, including the Columbiana County County Court, have jurisdiction beyond the north or northwest shore of the Ohio River extending to the opposite shore line, between the boundary lines of any adjacent municipal courts or adjacent county courts. Each of the county courts that is given jurisdiction on the Ohio River has concurrent jurisdiction on the Ohio River with any adjacent municipal courts or adjacent county courts that border on the Ohio River and with any Kentucky or West Virginia court that borders on the Ohio River and that has jurisdiction on the Ohio River under Kentucky or West Virginia law, whichever is applicable, or under federal law. (R.C. 1907.011 and R.C. 1907.01--not in the bill.)

Operation of the bill. The bill abolishes the Columbiana County County Court, effective January 1, 2002, and repeals the provisions that give that court

jurisdiction over the Ohio River (R.C. 1907.011; Section 4; R.C. 1907.01--not in the bill).

Effective January 1, 2002, the bill establishes a municipal court within Columbiana County in Lisbon or in any other municipal corporation or unincorporated territory within Columbiana County, except within the municipal corporation of East Liverpool or Liverpool or St. Clair township, that is selected by the judges of the municipal court as described in "Place of the court," below. The court will be styled and known as "the Columbiana County Municipal Court" and it is a county-operated municipal court. The Columbiana County Municipal Court has jurisdiction within Lisbon and all of Columbiana County, except within the municipal corporation of East Liverpool and except within Liverpool and St. Clair townships.¹ In addition to this territorial jurisdiction, the Columbiana County Municipal Court has jurisdiction over the Ohio River comparable to the repealed jurisdiction of the Columbiana County County Court over the Ohio River. (R.C. 1901.01(C), 1901.02(A)(21) and (B), 1901.027, and 1901.03.)

Judgeships

Existing law. Existing law authorizes three part-time judges for the Columbiana County County Court. Each judge serves a term of six years, with the terms starting on January 1 or 2 of the year following the year of their election. (R.C. 1907.11 and R.C. 1907.13--not in the bill.)

Operation of the bill. Effective January 1, 2002, the bill abolishes the three part-time judgeships in the Columbiana County County Court (R.C. 1907.11; Section 4).

The bill authorizes the election of two full-time judges in the Columbiana County Municipal Court in 2001. Under the operation of provisions of existing law unaffected by the bill, the judges would serve terms of six years and begin their terms on January 1 and January 2, 2002. (R.C. 1901.08 and R.C. 1901.07(A)--not in the bill.)

Place of the court

Existing law. The board of county commissioners must provide for each county court judge in the county suitable court and office space and all materials necessary for the business of the court (R.C. 1907.19--not in the bill).

¹ *The East Liverpool Municipal Court has jurisdiction within East Liverpool and within Liverpool and St. Clair townships in Columbiana County (R.C. 1901.02(A) and (B)).*

Operation of the bill. Each judge of the Columbiana County Municipal Court may sit in the municipal corporation of Lisbon, Salem, or East Palestine until the judges jointly select a central location within the territorial jurisdiction of the court. When the judges select a central location, the judges must sit at that location. (R.C. 1901.02(A)(21) and 1901.021(I).)

Clerk of the court

Existing law. The clerk of courts (the clerk of the court of common pleas) generally is the clerk of the county court. The clerk of the court of common pleas, when acting as the clerk of the county court, and upon assuming those county court clerk duties, must receive compensation at one-fourth the statutorily prescribed rate for the clerks of courts of common pleas as determined in accordance with the population of the county. This compensation must be paid from the county treasury and is in addition to the annual compensation received for the performance of the duties of the clerk of a court of common pleas. As an alternative to this procedure, the board of county commissioners, with the concurrence of the county court judges, may appoint a clerk for each county court judge, who must serve at the pleasure of the board and receive compensation as set by the board, payable from the county treasury. (R.C. 1907.20(A)--not in the bill.)

Operation of the bill. In the Columbiana County Municipal Court, the clerk of courts of Columbiana County (the clerk of the Columbiana County Court of Common Pleas) must be the clerk of the Columbiana County Municipal Court. The clerk may appoint a chief deputy clerk for each branch office of the court and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks must receive the compensation that the legislative authority prescribes. The Columbiana County Clerk of Courts, acting as the clerk of the Columbiana County Municipal Court and assuming the duties of that office, must receive compensation payable from the county treasury in semimonthly installments at one-fourth the statutorily prescribed rate for the clerks of courts of common pleas as determined in accordance with the population of the county. (R.C. 1901.31(A)(2)(d), (A)(2)(a), and (C).)

Prosecution of violations of state laws

Existing law. Under existing law, the county prosecuting attorney must prosecute the violation of state laws occurring within the county. R.C. 309.08(A) provides that the prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney must prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor or by the Attorney General.

Operation of the bill. Generally, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court must prosecute all cases brought before the municipal court for criminal offenses occurring within the municipal corporation for which that person is the solicitor, director of law, or similar chief legal officer. The chief legal officer of the municipal corporation in which a municipal court is located also generally must prosecute all criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.

Under the bill, the Columbiana County Prosecuting Attorney must prosecute in the Columbiana County Municipal Court all violations of *state law* arising in the county, except for violations arising in the jurisdiction of the East Liverpool Municipal Court. The prosecuting attorney must receive no additional compensation for assuming these additional duties. (R.C. 1901.34(B).)

Transitional provisions

Under the bill, all causes, judgments, executions, and other proceedings pending in the Columbiana County County Court at the close of business as of December 31, 2001, must be transferred to and proceed in the Columbiana County Municipal Court as if originally instituted in the Columbiana County 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 Columbiana County Municipal Court. The Clerk of the Columbiana County County Court or other custodian must transfer to the Columbiana 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 Columbiana County County Court, or any officer of that court, at the close of business on December 31, 2001, and that pertain to those causes, judgments, executions, and proceedings. (Section 4.)

Champaign County Municipal Court

Existing law

Existing law establishes a municipal court in Urbana that is styled and known as the Champaign County Municipal Court. The Court has jurisdiction within all of Champaign County. The Court is a standard municipal court--in other words, it is not a county-operated municipal court. The Court is served by one part-time judge, who most recently was elected in 1995. (R.C. 1901.01, 1901.02, and 1901.03.)

Municipal court judges serve six-year terms. In one-judge courts, the judge's term commences on the first day of January in the year after the election. (R.C. 1901.07--not in the bill.)

Operation of the bill

The bill replaces the part-time judge of the Champaign County Municipal Court with a full-time judge to be elected in 2001. Under the operation of provisions of existing law unaffected by the bill, the judge will serve a term of six years and begin the term on January 1, 2002. The bill specifies in uncodified law that the current part-time judge of that Court, who was elected in 1995, is to serve until the expiration of the judge's term on December 31, 2001, and that the part-time judgeship of the Court is abolished effective December 31, 2001. (R.C. 1901.08 and 1901.07--not in the bill; Section 5.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-09-00	p. 1639
Reported, H. Criminal Justice	04-18-00	pp. 1832-1833
Passed House	---	---
Reported, S. Judiciary	---	---

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