



Phil Mullin

Resolution Analysis
Legislative Service Commission

H.J.R. 8

123rd General Assembly
(As Introduced)

**Reps. Krebs, Callender, Carey, DePiero, Evans, Hoops, Padgett, Sulzer,
Taylor, Terwilleger**

RESOLUTION SUMMARY

- Amends the Ohio Constitution to (1) provide that each county must have its own court of common pleas and (2) remove the authority of the General Assembly to combine the courts of common pleas of two or more counties into a district court of common pleas.

CONTENT AND OPERATION

Current law

The Ohio Constitution establishes a court of common pleas, and permits the General Assembly to establish divisions of a court of common pleas by law, to serve each county of the state. In the interests of the fair, impartial, speedy, and sure administration of justice, the General Assembly may enact laws that provide that two or more counties may be combined into districts (1) having one or more judges who are residents of the district and (2) serving the courts of common pleas of all counties in the district. Judges serving a district must sit in each county in the district as the court's business requires. (Article IV, Section 4(A).)¹

If a court of common pleas were to be organized as a district court pursuant to statute rather than as a single county court pursuant to the Ohio Constitution, the judges of the court would be required to be elected by the electors of the district, and each judge would be required to reside during the judge's term of office in the district in which the judge's court is located (Article IV, Section 6(A)(3)).

¹ *Currently, each county has its own court of common pleas. The General Assembly has not enacted a statute pursuant to Article IV, Section 4(A), Ohio Constitution providing for any district court of common pleas.*

Changes made by the joint resolution

District changes

The joint resolution provides for amendments to the Ohio Constitution (1) to remove the authority for the General Assembly to provide by law for court of common pleas districts consisting of two or more counties and (2) to remove any other references to these districts. The joint resolution also explicitly states that a court of common pleas must be located in each county of the state. (Article IV, Sections 4(A) and 6(A)(3).)

Submission of the amendments to the voters; effective date

If approved by three-fifths of the members elected to each house of the General Assembly, the constitutional amendments that the joint resolution proposes will be submitted to the electors of the state at the November 7, 2000, general election. If adopted by a majority of the electors voting on the amendments, the amendments will take effect on January 1, 2001.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-16-99	pp. 200-201

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