



Sub. S.B. 137*
125th General Assembly
(As Reported by S. Civil Justice)

Sen. Wachtmann

BILL SUMMARY

- Replaces the part-time judge of the Napoleon Municipal Court with a full-time judge to be elected in 2005.
- Creates the Darke County Municipal Court on January 1, 2005, provides that the new court will be located in Greenville and will be a county operated municipal court, and gives the new court jurisdiction in all of Darke County except within the municipal corporation of Bradford.
- Establishes one full-time judgeship in the Darke County Municipal Court with the judge being initially elected in 2005 and provides that the part-time judge of the Darke County County Court whose term began on January 1, 2001, is to serve as the full-time judge of the new municipal court until December 31, 2005.
- Abolishes the Darke County County Court and the two part-time judges of the court and specifically provides that no judge is to be elected for the abolished court in 2004.
- Declares an emergency.

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

CONTENT AND OPERATION

Napoleon Municipal Court

Existing law

Existing law establishes a municipal court in Napoleon that is known as the Napoleon Municipal Court. The Napoleon Municipal Court has jurisdiction within Henry County. The Court is served by one part-time judge, who most recently was elected in 1999. (R.C. 1901.01 and 1901.02--not in the bill, and R.C. 1901.08.)

All municipal court judges are elected on a nonpartisan ballot for terms of six years. 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 Napoleon Municipal Court with a full-time judge to be elected in 2005. The full-time judge will serve a term of six years and begin the term on January 1, 2006. The bill specifies in uncodified law that the part-time judge of the Napoleon Municipal Court who was elected in 1999 will remain the part-time judge of the Napoleon Municipal Court until the end of the judge's term. The full-time judge of the Napoleon Municipal Court who is elected in 2005 will be the successor to the part-time judge of that court who was elected in 1999. (R.C. 1901.08 and R.C. 1901.07--not in the bill; Section 3.)

Darke County Municipal Court

Existing law

Existing law establishes a county court in Darke County. The Darke County County Court has exclusive original jurisdiction in civil actions for the recovery of sums not exceeding \$500 and original jurisdiction in civil actions for the recovery of sums not exceeding \$15,000. Generally, the Darke County County Court also has criminal jurisdiction over misdemeanor cases. (R.C. 1907.01, 1907.02, and 1907.03--not in the bill.) The Darke County County Court is served by two part-time judges, one most recently elected in 1998, and the other most recently elected in 2000 (R.C. 1907.11).

Operation of the bill

The bill establishes a municipal court in the municipal corporation of Greenville, that, beginning on January 1, 2005, will be styled and known as the "Darke County Municipal Court." Beginning on January 1, 2005, the Darke

County Municipal Court has jurisdiction within Darke County except within the municipal corporation of Bradford. (R.C. 1901.01(A) and 1901.02(A)(24) and (B).)

Under the bill, one full-time judge will be elected for the new municipal court in 2005. Beginning on January 1, 2005, the part-time judge of the Darke County County Court that existed prior to that date whose term began on January 1, 2001, will serve as the full-time judge of the Darke County Municipal Court until December 31, 2005 (R.C. 1901.08).

The bill also provides that the Darke County prosecuting attorney prosecutes in the Darke County Municipal Court all violations of state law arising in the county, except for violations of state law arising in the municipal corporation of Greenville and violations of state law arising in the village of Versailles (R.C. 1901.34(B)).

The bill removes the provision regarding the election of the part-time judges of the Darke County County Court and provides in uncodified law that no judge of the Darke County County Court shall be elected in 2004 and that, effective January 1, 2005, the Darke County County Court and the two part-time judgeships in the Darke County County Court, are abolished. All causes, judgments, executions, and other proceedings that are pending in the Darke County County Court at the close of business as of December 31, 2004, will be transferred to and proceed in the Darke County Municipal Court as if originally instituted in the Darke 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 Darke County Municipal Court. The Clerk of the Darke County County Court or other custodian will transfer to the Darke 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 Darke County County Court, or any officer of that court, at the close of business on December 31, 2004, and that pertain to those causes, judgments, executions, and proceedings. (R.C. 1907.11 and Sections 5 and 6.)

The bill also provides that the "Darke County Municipal Court" is a "county-operated municipal court" (R.C. 1901.03(F)).

The bill provides that the act is an emergency measure because the creation of the Darke County Municipal Court is necessary for the efficient administration of justice in Darke County and that the electors of Darke County need to be assured of the establishment of the Darke County Municipal Court before the last day is reached for filing nominating petitions for the part-time judge of the Darke County County Court now scheduled to be elected in 2004 (Section 7).



HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-15-03	p. 1127
Reported, S. Civil Justice	---	---

S0137-RS-125.doc/jc

