



Sub. H.B. 337

126th General Assembly
(As Reported by H. Judiciary)

Reps. Gibbs, Willamowski, Coley

BILL SUMMARY

- Abolishes the Holmes County County Court and replaces it with the Holmes County Municipal Court effective January 1, 2007, which will be a county operated municipal court.
- Creates a full-time municipal court judge for the Holmes County Municipal Court to be elected in 2007 for a term beginning on January 1, 2008, with the existing judge of the Holmes County County Court serving as the judge of the Holmes County Municipal Court during 2007.
- Designates the Holmes County Clerk of Courts as the clerk of the Holmes County Municipal Court.
- Requires the Holmes County Prosecuting Attorney to prosecute in the Holmes County Municipal Court all violations of state law arising in Holmes County and authorizes the Prosecuting Attorney to enter into agreements with municipal corporations in Holmes County to prosecute violations of municipal ordinances in the Holmes County Municipal Court.
- Transfers all proceedings in and employees of the Holmes County County Court to the Holmes County Municipal Court on January 1, 2007.

CONTENT AND OPERATION

Creation of Holmes County Municipal Court

Under existing law, Holmes County has a county court with a single part-time judge and no municipal courts. Effective January 1, 2007, the bill replaces the county court with the Holmes County Municipal Court. The new municipal court will be located in Millersburg, will be styled and known as the "Holmes

County Municipal Court," and will have county-wide jurisdiction. The county court has one part-time judge. The new municipal court will have one full-time judge to be first elected in 2007 for a six-year term; the judge's successors will be elected in 2013 and thereafter for terms of six years. During 2007, the existing part-time judge of the Holmes County County Court elected in 2006 will serve as the full-time judge of the Holmes County Municipal Court. (R.C. 1901.01(A), 1901.02(A)(25) and (B), 1901.08, 1907.11, and Section 3 of the bill.)

The bill has the incidental effect of abolishing the Millersburg Mayor's Court (see **COMMENT**).

Under existing law, Holmes County bears the cost of operating the county court, expressly including that portion of the judge's compensation that is not paid by the state; the compensation of the clerk and other employees; and some or all of the premiums for health care coverage for the judge and the judge's spouse and dependents (R.C. 1907.16, 1907.161, 1907.17, 1907.20, 1907.201, and 1907.53). The bill creates the Holmes County Municipal Court as a county-operated municipal court (R.C. 1901.03(F)). Under existing Revised Code sections that are unaffected by the bill, Holmes County will be responsible for all the costs of operating the Holmes County Municipal Court, including but not limited to that portion of the judge's compensation that is not paid by the state; the compensation of the clerk and other employees; some or all of the premiums for health care coverage for the judge, clerk, and any deputy clerks and for their spouses and dependents; premiums for official surety bonds given by court employees; and suitable accommodations for the court and its employees (R.C. 1901.024, 1901.11, 1901.111, 1901.311, 1901.312, 1901.32, 1901.33, 1901.36, and 1901.37).

Designation of Holmes County clerk of courts as clerk of the Holmes County Municipal Court

In most municipal courts for which the population of the territory within the court's jurisdiction is less than 100,000, the court appoints the court clerk; depending on the revenue of the court for the preceding calendar year, either the court or the legislative authority prescribes the clerk's annual compensation. The bill designates the Holmes County Clerk of Courts, who serves as the clerk for the Court of Common Pleas, as the clerk of the Holmes County Municipal Court. The bill sets the clerk's additional compensation for serving as the municipal court clerk at one-fourth the statutory rate prescribed for the clerk's compensation as clerk of the Court of Common Pleas. (R.C. 1901.31(A)(2)(a) and (c) and (C)(1).)

Authority of Holmes County Prosecuting Attorney

The bill requires the Holmes County Prosecuting Attorney to prosecute in the Holmes County Municipal Court all violations of state law arising in Holmes County. It authorizes the Prosecuting Attorney to enter into an agreement with

any municipal corporation in the county pursuant to which the Prosecuting Attorney prosecutes all cases brought before the Holmes County Municipal Court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of state law occurring within the municipal corporation. The agreement may include a fee to be paid by the municipal corporation for the prosecution of the cases. The fee would be paid into the county treasury and used to cover expenses of the Prosecuting Attorney's office. (R.C. 1901.34(B) and (D).)

Transfer of cases and employees from county court to municipal court

Under the bill, all proceedings pending in the Holmes County County Court at the close of business on December 31, 2006, will be transferred to and proceed in the Holmes County Municipal Court on January 1, 2007, as if originally instituted in the Holmes County Municipal Court. The bill authorizes the parties to those proceedings to make any amendments to their pleadings that are required to conform them to the rules of the Holmes County Municipal Court. The clerk of the county court or other custodian must transfer to the Holmes 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 Holmes County County Court, or any officer of that court, at the close of business on December 31, 2006, and that pertain to those proceedings. All employees of the Holmes County County Court will be transferred to and become employees of the Holmes County Municipal Court on January 1, 2007. (Section 3 of the bill.)

COMMENT

R.C. 1905.01(A), not in the bill, provides that in a municipal corporation that has a population of more than 100 and that is not the site of a municipal court, the mayor has jurisdiction over certain types of actions. Millersburg currently has a Mayor's Court. Because the bill locates the Holmes County Municipal Court in Millersburg, the mayor will no longer have jurisdiction over any actions once the bill goes into effect.

HISTORY

ACTION	DATE
Introduced	09-13-05
Reported, H. Judiciary	12-20-05

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