
JUDICIARY/SUPREME COURT

Court of claims

Wrongful imprisonment

- Requires a copy of a complaint in an action to declare a person a wrongfully imprisoned individual to be served on the prosecuting attorney and requires the prosecuting attorney to defend a civil action brought by a person to be declared a wrongfully imprisoned individual in the court of common pleas in the county where the underlying criminal action was initiated.
- Provides that if an individual at the time of the wrongful imprisonment was serving concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, the individual is not eligible for compensation for any portion of wrongful imprisonment that occurred during such a concurrent sentence.
- Allows a prosecuting attorney or the Attorney General, or their assistants, to inspect sealed conviction and bail forfeiture records for the purpose of defending or participating in a civil action to determine if a person is a wrongfully imprisoned individual.

Commissioner; awards of reparations; other procedures

- Abolishes the office of Court of Claims commissioner.
- Provides that appeals from decisions of the Attorney General on applications for awards of reparations to crime victims go directly to the Court of Claims.
- Transfers most functions with regard to reparations from a single judge of the Court of Claims to the court.
- Authorizes the Chief Justice to appoint magistrates (rather than referees) in Court of Claims cases and authorizes a magistrate to disclose or refer to certain records or reports in reparations hearings.
- Modifies the Attorney General's annual report on the reparations program.
- Conforms the time period within which adult crime victims must file reparations claims to other existing law.

Interpreter's fees and qualifications

- Prohibits the taxation of interpreter's fees as court costs if the party to be taxed is indigent and requires payment of the fees by the county or the legislative authority of the court.
- Eliminates the requirement that a court of common pleas evaluate the qualifications of an interpreter for a mentally retarded or developmentally disabled person before appointing the interpreter.

Franklin County Probate Court Mental Health Fund

- Authorizes the Franklin County Probate Court to accept funds or other program assistance from the Board of Alcohol, Drug Addiction, and Mental Health Services (ADAMH) of Franklin County or the Franklin County Board of Developmental Disabilities (BDD), to be paid into the Franklin County treasury and credited to the Franklin County Probate Court Mental Health Fund.
- Requires the moneys in the Fund to be used for services, including involuntary commitment proceedings and the establishment and management of adult guardianships, to ensure the treatment of persons who are under the care of ADAMH of Franklin County or the Franklin County BDD.
- Permits some of the moneys in the Fund to be used for specified court purposes, such as equipment purchases, staff hiring, and volunteer guardianship training, if the Franklin County probate judge determines that such use is needed for the court's efficient operation.

Common pleas special projects funds

- Provides that if the court of common pleas requires a special program or additional services in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service.

Affidavit of disqualification of judges

- Eliminates the procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead includes the disqualification of a judge of a municipal or county court or a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, judge of a court of appeals, and a judge of the court of common pleas.



Court reporters

- Defines "transcript" as a verbatim record of a proceeding prepared and certified by a reporter and requires that a transcript but not a duplicate be received as prima facie evidence of its correctness.
- Requires a court of common pleas to grant any party's request for a reporter's services at a hearing in an action and requires the reporter carefully preserve the proceeding on an appropriate medium.
- Requires a reporter to provide additional copies of any portion of a transcript, when requested by a prosecuting attorney, the Attorney General, a chief legal officer of a public office, or an indigent defendant in an appeal at actual cost or, if in electronic form, for free, and authorizes the court to fix the reporter's compensation in all other circumstances at not more than half the compensation for the first transcript.
- Provides that a reporter who takes the testimony of grand jury witnesses receives the same compensation for the transcript, and be paid in the same manner, as for other transcripts.
- Requires a court of common pleas clerk or reporter to provide transcript duplicates at actual cost, but allows the addition of personnel cost by a reporter who is not paid for a nonelectronic duplicate by a public entity.
- Requires that a criminal defendant in a common pleas or municipal court be credited with any prepayment or deposit for a transcript if costs are taxed against the defendant or be refunded any amount paid for a transcript if costs are taxed against the state.
- Makes conforming changes and repeals a statute relating to the appointment of reporters as referees and to the reporter's office space.

"Assigned" and "acting" municipal and county judges

- Modifies existing law regarding a vacancy in the office of a judge of a municipal court or county court or the incapacitation or unavailability of the judge due to certain circumstances by allowing for the assignment or appointment of an "assigned judge" or "acting judge" depending on the number of judges on the court and the circumstances of the vacancy.
- Modifies existing law regarding the per diem compensation of an "assigned judge" or "acting judge" and modifies existing law regarding the reimbursement of an



"assigned judge" or "acting judge" by allowing for reimbursement by the Supreme Court of a portion of the costs of the local funding authority.

- Modifies existing law regarding the information a county treasurer must include in the reimbursement requests submitted to the administrative director of the Supreme Court.

Addiction treatment pilot program

- Requires the Ohio Supreme Court to conduct a pilot program to provide addiction treatment to offenders participating in certified drug court programs in certain counties.

Court of Claims

Wrongful imprisonment

(R.C. 2743.48 and 2953.32)

Civil action to determine if individual is a wrongfully imprisoned individual

Under existing law, a person may file a civil action to be declared a wrongfully imprisoned individual in the court of common pleas in the county where the underlying criminal action was initiated. That civil action is separate from the underlying finding of guilt by the court of common pleas. Upon the filing of a civil action to be determined a wrongfully imprisoned individual, the Attorney General must be served with a copy of the complaint and be heard. The bill requires the prosecuting attorney of the county to be served with a copy of the complaint and to defend all civil actions to determine a person to be a wrongfully imprisoned individual.

The bill also provides that if an individual was serving at the time of the wrongful imprisonment concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, the individual is not eligible for compensation for any portion of that wrongful imprisonment that occurred during a concurrent sentence of that nature.

Inspection of sealed records of wrongfully imprisoned individual

Under existing law, inspection of sealed conviction or bail forfeiture records may be made only by certain persons or for certain purposes, including by a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which the person is to be charged would be affected by virtue of the person's previously having been convicted of a crime, by a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of



the officer's involvement in that case, or by any law enforcement agency or any authorized employee of a law enforcement agency or by the Department of Rehabilitation and Correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the Department as a corrections officer. The bill provides that a prosecuting attorney or the Attorney General, or the assistants of either, may inspect sealed records of conviction or bail forfeiture for the purpose of defending or participating in a civil action brought by a person in the court of common pleas in the county where the underlying criminal action was initiated in order to determine if the person is a wrongfully imprisoned individual.

Commissioner; awards of reparations; other procedures

(R.C. 2743.03, 2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 2743.54, 2743.55, 2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.67, 2743.68, 2743.69, and 2743.71)

The bill abolishes the office of Court of Claims commissioner and provides that appeals from decisions of the Attorney General on applications for awards of reparations to crime victims that under current law go to a panel of commissioners instead go directly to the court. The bill also provides that most functions with regard to reparations that under current law are performed by a single judge of the Court of Claims be performed by the court. The bill authorizes the Chief Justice to appoint magistrates (rather than referees) to expedite the equitable resolution of cases in the Court of Claims and authorizes a magistrate (rather than a panel of commissioners) to disclose or refer to certain records or reports in reparations hearings. The bill removes from the Attorney General's annual report on the reparations program the administrative costs incurred by panels of commissioners and the compensation of judges and court personnel. It deletes language that conflicts with another statute by requiring adult victims to file reparations claims within two years of the criminally injurious conduct.

Interpreters' fees and qualifications

(R.C. 2301.14, 2311.14, 2335.09, and 2335.11)

The bill prohibits the taxation of interpreter's fees as court costs if the party to be taxed is indigent and requires payment of the fees by the county or legislative authority of the court. The bill eliminates the requirement that a court of common pleas evaluate the qualifications of an interpreter for a mentally retarded or developmentally disabled person before appointing the interpreter.



Franklin County Probate Court Mental Health Fund

(R.C. 2101.026)

The bill authorizes the Probate Court of Franklin County to accept funds or other program assistance from the Board of Alcohol, Drug Addiction, and Mental Health Services of Franklin County (ADAMH) or the Franklin County Board of Developmental Disabilities (BDD). Any such funds received by that Probate Court must be paid into the Franklin County treasury and credited to a fund to be known as the Franklin County Probate Court Mental Health Fund. The moneys in the Fund must be used for services to help ensure the treatment of any person who is under the care of ADAMH of Franklin County or the Franklin County BDD. These services include involuntary commitment proceedings and the establishment and management of adult guardianships, including all associated expenses, for wards who are under the care of the ADAMH or BDD.

If the judge of the Probate Court of Franklin County determines that some of the moneys in the Fund are needed for the efficient operation of that court, the moneys may be used for the acquisition of equipment, the hiring and training of staff, community services programs, volunteer guardianship training services, the employment of magistrates, and other related matters.

Common pleas special projects funds

(R.C. 2303.201)

Under current law, a court of common pleas may determine that for the efficient operation of the court additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession. If the court of common pleas offers a special program or service in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service.

The bill provides that a court of common pleas by rule may assess an additional charge, over and above court costs to cover a special program or service if the court offers *or requires* a special program or *additional services* in cases of a specific type, to cover the service.



Affidavit of disqualification of judges

(R.C. 2701.03, 2701.031, and 2743.041)

Under current law, there is a specific procedure that a party to a court proceeding uses to disqualify a judge of a municipal or county court. The bill eliminates this procedure and instead includes the disqualification of a judge of a municipal or county court and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, judge of a court of appeals, and a judge of the common pleas court.

Under the bill, if a judge of the probate court, court of appeals, court of common pleas, municipal court, county court, or court of claims is interested in a proceeding pending before the court, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the court or a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the Clerk of the Supreme Court.

The affidavit of disqualification must be filed with the Clerk of the Supreme Court not less than seven calendar days before the day on which the next hearing on the proceeding is scheduled and must include all of the following:

(1) The specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations or, in relation to an affidavit filed against a judge of a court of appeals, a specific allegation that the judge presided in the lower court in the same proceeding and the facts to support that allegation;

(2) The jurat of a notary public or another person authorized to administer oaths or affirmations;

(3) A certificate indicating that a copy of the affidavit has been served on the probate judge, judge of a court of appeals, judge of a court of common pleas, judge of a municipal or county court, or judge of the court of claims against whom the affidavit is filed and on all other parties or their counsel;

(4) The date of the next scheduled hearing in the proceeding or, if there is no hearing scheduled, a statement that there is no hearing scheduled.

When an affidavit of disqualification is presented to the Clerk of the Supreme Court for filing, all of the following apply:



(1) The Clerk of the Supreme Court accepts the filing and forwards the affidavit to the Chief Justice of the Supreme Court.

(2) The Supreme Court sends notice of the filing of the affidavit to the probate court served by the judge if the affidavit is filed against a probate judge, or to the clerk of the respective court if the affidavit is filed against a judge of that court.

(3) Upon the receipt of the notice, the probate court or the clerk of the respective court must enter the fact of the filing of the affidavit on the docket of the probate court, the docket of the court of appeals, the docket in the proceeding in the court of common pleas, the docket of the proceeding in the municipal or county court, or the docket of the proceeding in the court of claims.

The Clerk of the Supreme Court cannot accept an affidavit of disqualification for filing presented for filing if it is not timely presented for filing or does not satisfy the requirements described in (2), (3), and (4) in the second preceding paragraph.

If the Clerk of the Supreme Court accepts an affidavit of disqualification, the affidavit deprives the judge against whom the affidavit was filed of any authority to preside in the proceeding until the Chief Justice of the Supreme Court, or a justice of the Supreme Court designated by the Chief Justice, rules on the affidavit. However, there are certain specified circumstances where a judge may continue to preside in the proceeding.

If the Clerk of the Supreme Court accepts an affidavit of disqualification for filing and if the Chief Justice of the Supreme Court or designated justice determines that the interest, bias, prejudice, or disqualification alleged in the affidavit does not exist, the Chief Justice or designated justice must issue an entry denying the affidavit of disqualification. If the Chief Justice or designated justice determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the Chief Justice or the designated judge must issue an entry that disqualifies that judge from presiding in the proceeding and either order that the proceeding be assigned to another judge of the court of which the disqualified judge is a member, to a judge of another court, or to a retired judge.

Court reporters

(R.C. 1901.33, 2101.08, 2301.19, 2301.20, 2301.23, 2301.24, 2301.25, 2301.26, and 2501.16)

The bill defines "transcript" as "an official verbatim record of a proceeding that is prepared by a reporter and that is certified to be correct by the reporter." It specifies that a transcript, *but not a duplicate copy of a transcript*, must be received as prima facie evidence of its correctness. Instead of requiring that the reporter for a court of common



pleas take accurate notes of or electronically record all civil and criminal actions, as under existing law, the bill requires that the court grant a request by any party to have a reporter's services at a hearing in an action and that the reporter carefully preserve the proceeding on an appropriate medium.

The bill modifies the provisions governing the compensation of a reporter in the court of common pleas for making a written transcript. Under both existing law and the bill, the court fixes the reporter's compensation for an initial transcript. When another transcript of the same testimony is ordered, existing law requires the reporter to make copies "at cost" or provide an electronic copy free of charge. Under the bill, when a transcript of any portion of a proceeding is ordered by the prosecuting attorney, the Attorney General, a municipal director of law, or a similar chief legal officer of a public office in an appeal of any civil, criminal, or juvenile case or by the indigent defendant in an appeal of any criminal or juvenile case, the reporter must provide any additional transcript of the same portion of the proceeding "at actual cost." "Actual cost" means the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services." In all other circumstances, the court must fix the reporter's compensation for making additional transcripts, but the compensation may not exceed one-half the compensation allowed for the first transcript made of the portion of the proceeding.

The bill provides that a reporter who takes the testimony of witnesses before a grand jury receives the same compensation for the transcript, and is paid in the same manner, as for other transcripts.

The bill requires that a duplicate copy of a transcript be provided by the clerk of court, if the transcript has been filed, or by the reporter, if the transcript has not been filed, at actual cost. Personnel cost may be added to the actual cost if the time of a reporter who makes a duplicate copy or an additional transcript is not paid for by a public entity. The reporter must provide an electronic copy of a transcript at actual cost.

Under existing law, the cost of a transcript in a criminal case in the court of common pleas is taxed as part of the costs. If the costs are adjudged against the defendant, the defendant is allowed a credit for any amount already paid; if the costs are adjudged against the state, the defendant gets a refund of any deposit. Under the bill, if the costs are adjudged against the defendant and the defendant has prepaid for the cost of a transcript or has paid a deposit toward the cost of the transcript, the defendant receives credit for the amount prepaid or deposited and may not be charged again for that amount. If the costs are adjudged against the state, the defendant must be refunded the amount prepaid or deposited toward the transcript. These provisions



apply to transcripts of proceedings that are recorded on or after the effective date of the bill.

The bill requires that the cost of transcripts in municipal courts be determined as provided in the foregoing paragraph.

The bill makes conforming changes to several Revised Code sections and repeals a section relating to the appointment of reporters as referees and the reporter's office space.

"Assigned" and "acting" municipal and county judges

(R.C. 1901.10, 1901.12, 1901.121, 1901.122, 1901.123, 1907.14, 1907.141, 1907.142, and 1907.143)

Existing law – one-judge municipal courts and county courts

There is a procedure under current law for the appointment of an acting judge in the event that a judge of a municipal court that has only one judge is temporarily absent, incapacitated, or otherwise unavailable. The judge may appoint a substitute who meets certain specified qualifications or a retired judge of a court of record who is a qualified elector and a resident of the territory of the court. If the judge is unable to make the appointment, the Chief Justice of the Supreme Court shall appoint a substitute. If a judge of a county court is temporarily absent, incapacitated, or otherwise unavailable, the judge may appoint a substitute who meets certain specified qualifications or may appoint a retired judge of a court of record in Ohio who is a qualified elector and a resident of the county court district. If the judge is unable to make the appointment, the administrative judge of the county court district or the administrative judge of the court of common pleas of the county appoints the substitute. The bill modifies this procedure as described below.

The bill – one-judge municipal and county courts

Under the bill, if a vacancy occurs in the office of a judge of a municipal court or county court that consists of only one judge or if the judge of a municipal court or county court of that nature is incapacitated or unavailable due to disqualification, suspension, or recusal, the Chief Justice of the Supreme Court may assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the Supreme Court. The assignee is styled "assigned judge" and serves for any period of time the Chief Justice may prescribe.



If a judge of a municipal court or county court that consists of only one judge is otherwise temporarily absent for a reason other than as specified in the previous paragraph, the judge may do either of the following:

(1) Appoint a substitute who is a resident of the territory of the court or, if the territory of the court has a population of less than 25,000 according to the latest federal decennial census and the judge is unable to appoint a substitute who is a resident of the territory of the court, appoint a substitute who is a resident of the territory of a municipal or county court that is contiguous to the court. The appointee must either be admitted to the practice of law in Ohio and have been, for a total of at least six years preceding appointment, engaged in the practice of law in Ohio or a judge of a court of record in any jurisdiction in the United States or be a retired judge of a court of record. The appointee is styled "acting judge" and temporarily serves on the court during the temporary absence of the incumbent judge.

(2) Request the Chief Justice to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the Supreme Court. The assignee is styled "assigned judge" and serves for any period of time the Chief Justice may prescribe.

The bill – two-judge municipal and county courts

If a vacancy occurs in the office of a judge of a municipal court or county court that consists of two judges or if a judge of a municipal court or county court of that nature is incapacitated, unavailable, or temporarily absent, the presiding judge may do either of the following:

(1) Appoint a substitute who is a resident of the territory of the court or, if the territory of the court has a population of less than 25,000 according to the latest federal decennial census and the judge is unable to appoint a substitute who is a resident of the territory of the court, appoint a substitute who is a resident of the territory of a municipal or county court that is contiguous to the court. The appointee must either be admitted to the practice of law in Ohio and have been, for a total of at least six years preceding appointment, engaged in the practice of law in Ohio or a judge of a court of record in any jurisdiction in the United States or be a retired judge of a court of record. The appointee is styled "acting judge" and temporarily serves on the court during the vacancy or the incapacity, unavailability, or temporary absence of the incumbent judge.

(2) Request the Chief Justice to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the Supreme Court. The assignee is styled "assigned judge" and serves for any period of time the Chief Justice may prescribe.



The bill – three or more judge municipal or judge county courts

If a vacancy occurs in the office of a judge of a municipal court or county court that consists of three or more judges or if a judge of a municipal court or county court of that nature is incapacitated, unavailable, or temporarily absent, the presiding judge may do either of the following:

(1) If no other judge of the court is available to person the duties of the judge, appoint a substitute who is a resident of the territory of the court. The appointee must either be admitted to the practice of law in Ohio and have been, for a total of at least six years preceding appointment, engaged in the practice of law in Ohio or a judge of a court of record in any jurisdiction in the United States or be a retired judge of a court of record. The appointee is styled "acting judge" and temporarily serves on the court during the vacancy or the incapacity, unavailability, or temporary absence of the incumbent judge.

(2) Request the Chief Justice to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the Supreme Court. The assignee is styled "assigned judge" and serves for any period of time the Chief Justice may prescribe.

Volume of cases

When the volume of cases pending in any municipal court necessitates an additional judge, the judge, if the court consists of a single judge, or the presiding judge, if the court consists of two or more judges, may request the Chief Justice to assign a sitting judge of another court of record or a retired judge of a court of record to temporarily serve on the court in accordance with rules adopted by the Supreme Court. The appointee is styled "assigned judge" and serves for any period of time the Chief Justice may prescribe.

Jurisdiction and adjudicatory powers

An acting judge and an assigned judge of a municipal court or county court have the jurisdiction and adjudicatory powers conferred upon the judge of the municipal court or county court. During the time of service, the acting judge or assigned judge signs all process and records and performs all acts pertaining to the office, except that of removal and appointment of officers of the municipal court or county court. All courts must take judicial notice of the selection and powers of the acting judge or assigned judge.

Reimbursement and per diem compensation

The bill repeals the existing procedure for compensating the acting judges in the municipal and county courts and creates a new procedure for reimbursing and compensating acting and assigned municipal and county court judges.

Reimbursement and per diem compensation – acting municipal court judges

Under the bill, an acting judge of a municipal court receives reimbursement for actual and necessary expenses and a per diem compensation established by the incumbent judge, subject to the following limitations:

(1) If the incumbent judge receives compensation as a full-time judge, the per diem compensation of the acting judge cannot exceed the per diem compensation paid to the incumbent judge based upon a work year of 250 days.

(2) If the incumbent judge receives compensation as a part-time judge, the per diem compensation of the acting judge cannot exceed the per diem compensation paid to the incumbent judge based upon a work year of 130 days.

The per diem compensation of the acting judge is payable in the same manner as the compensation paid to the incumbent judge during the same period.

Reimbursement and per diem compensation – acting county court judges

An acting county court judge receives reimbursement for actual and necessary expenses and a per diem compensation established by the incumbent judge, provided the per diem compensation of the acting judge does not exceed the per diem compensation paid to the incumbent judge based upon a work year of 130 days. The per diem compensation of the acting judge is payable in the same manner as the compensation paid to the incumbent judge during the same period.

Reimbursement and per diem compensation – assigned municipal court and county court judges

An assigned municipal court judge or county court judge receives reimbursement for actual and necessary expenses and a per diem compensation as follows:

(1) If the assigned judge receives compensation as a full-time judge, \$30;

(2) If the assigned judge receives compensation as a part-time judge, the per diem compensation of a judge of a municipal court compensated as a full-time judge less the



per diem compensation of the assigned judge, each calculated on the basis of 250 working days per year;

(3) If the assigned judge is a retired judge of a municipal or county court or a court of common pleas, the established per diem compensation for a full-time municipal court judge, calculated on the basis of 250 working days per year, in addition to any retirement benefits to which the assigned judge may be entitled.

(4) If the assigned judge is a sitting judge of the court of appeals or a court of common pleas, \$50.

Payment by treasurer

Subject to the reimbursement described below, the treasurer of the county in which a county-operated municipal court, other municipal court, or county court is located must pay the per diem compensation to which an acting judge is entitled (described above).

Subject to the reimbursement described below, the treasurer of the county in which a county-operated municipal court, other municipal court, or county court is located must pay the per diem compensation to which an assigned judge is entitled (described above).

The treasurer of a county that is required to pay any compensation to which an acting judge or assigned judge is entitled must submit to the administrative director of the Supreme Court quarterly requests for reimbursements of the per diem so paid. The requests must include verifications of the payment of those amounts and an affidavit from the acting judge or assigned judge stating the days and hours worked. The administrative director must cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

Vacation

Under current law and continued under the bill, a municipal judge is entitled to 30 days of vacation each calendar year. Existing law also provides that when a court consists of a single judge, a qualified substitute may be appointed to serve during the 30-day vacation period, who must be paid in the same manner and at the same rate as the incumbent judge, except that if the substitute judge is entitled to compensation as a full-time or part-time judge, then R.C. 1901.121 governs its payment. The bill removes this provision.

Under current law, if a municipal court consists of two judges, one of the judges must be in attendance at the court at all times, and the presiding judge has the authority



to designate the vacation period for each judge, and when necessary, to appoint a substitute for the judge when on vacation or not in attendance. If a court consists of more than two judges, two-thirds of the court must be in attendance at all times, and the presiding judge has the authority to designate the vacation period of each judge, and, when necessary, to appoint a substitute for any judge on vacation or not in attendance. The bill modifies this provision to say that if the municipal court consists of two or more judges, the presiding judge has the authority to designate the vacation period for each judge.

Supreme Court addiction treatment pilot program

(Section 307.20)

Participating courts

The bill requires the Ohio Supreme Court to conduct a pilot program in the courts of certain counties with certified drug court programs to provide addiction treatment to criminal offenders selected to participate in the program who are dependent on opioids, alcohol, or both. "Certified drug court program" is defined by the bill as a session of a common pleas court, municipal court, or county court (or a division of one of those courts) that holds certification from the Supreme Court as a specialized docket program for drugs.

The pilot program is to be conducted in the courts of Crawford, Franklin, Hardin, Mercer, and Scioto counties that are conducting certified drug court programs. If in any of these counties there is no drug court program, the Supreme Court must conduct the pilot program in a court that is conducting a certified drug court program in another county. In addition, the Supreme Court may conduct the pilot program in any other court that is conducting a drug court program.

Collaboration

In conducting the pilot program, the Supreme Court is to collaborate with the Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that it determines may be of assistance in accomplishing the objectives of the pilot program. The Supreme Court may also collaborate with the boards of alcohol, drug addiction, and mental health services that serve the counties in which the courts participating in the pilot program are located.

Evaluation plan

The Supreme Court must select a nationally recognized criminal justice research institute with extensive experience in the evaluation of criminal justice and substance



abuse projects to develop an evaluation plan for the pilot program. The selection must be made not later than 60 days after the bill's effective date.

The evaluation plan is to include performance measures that reflect the purpose of the pilot program, which is to assist participants in addressing their dependence on opioids, alcohol, or both, by maintaining abstinence from the use of those substances and reducing recidivism. The evaluation plan must be put in place with each of the certified drug court programs included in the pilot program and the community addiction services providers that will provide treatment to participants.

Once the evaluation plan has been put in place, the certified drug court programs are to select criminal offenders to be participants in the pilot program. To be selected, an offender must meet the legal and clinical eligibility criteria for the certified drug court program and be an active participant in the program.

The total number of persons participating in the pilot program at any one time is not to exceed 500, but the Supreme Court may authorize the maximum number to be exceeded in circumstances the Court considers appropriate.

Treatment

Treatment may be provided under the pilot program only by community addiction services providers certified by the Director of Mental Health and Addiction Services. A treatment provider must do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between the doctor or other person who prescribes a drug and the treatment provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessment of each person under consideration for selection as pilot program participant; determine, based on the assessment, the treatment needs of each participant; and develop individualized goals and objectives for each participant;

(3) Provide access to the long-acting antagonist therapies, partial agonist therapies, or both that are included in the pilot program's medication-assisted treatment;

(4) Provide other types of therapies, including psychosocial therapies, for substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders;

(5) Monitor pilot program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the treatment provider.

The bill does not define "antagonist therapies" or "partial agonist therapies." Generally available information describes an antagonist as a substance that acts against and blocks the action of another substance, while an agonist mimics the action of another substance.

Treatment under the pilot program may include medication-assisted treatment. All of the following apply to medication-assisted treatment:

(1) A drug may be used only if it has been approved by the U.S. Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both;

(2) Each drug used must constitute long-acting antagonist therapy or partial agonist therapy;

(3) If a drug constituting partial agonist therapy is used, the pilot program must provide safeguards to minimize abuse and diversion of the drug, such as routine drug testing of participants.

Report

The research institute selected by the Supreme Court to develop the evaluation plan is to prepare a report of the findings obtained from the pilot program. The report must include data derived from the drug testing and performance measures used in the pilot program. In preparing the report, the research institute is to obtain assistance from the Supreme Court.

The research institute must complete its report not later than six months after the conclusion of the pilot program. On completion, the report is to be submitted to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency the Supreme Court collaborates with in conducting the pilot program.