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**H.B. 518**  
**134<sup>th</sup> General Assembly**

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsor:** Rep. Hoops

Dennis M. Papp, Attorney

### SUMMARY

#### **Fulton County County Court and Fulton County Municipal Court**

- Abolishes the Fulton County County Court, with two part-time judges, effective January 1, 2024.
- Effective January 1, 2023, abolishes the part-time judgeship in the Fulton County County Court originally elected in 1980; effective January 1, 2024, abolishes the part-time judgeship in the Fulton County County Court originally elected in 1982.
- Establishes in the municipal corporation of Wauseon the Fulton County Municipal Court beginning January 1, 2024, with jurisdiction within Fulton County, and provides that one full-time judge of the Fulton County Municipal Court is to be elected in 2023.
- Requires the Fulton County Municipal Court to establish a branch office in the municipal corporation of Swanton and to appoint a special deputy clerk to administer the branch office on a full-time basis with compensation according to applicable law payable out of the treasury of Fulton County.
- Requires the judge of the Fulton County Municipal Court to sit within each of the municipal corporations of Wauseon and Swanton on a weekly basis.
- Specifies that cases arising within Wauseon and within specified townships in Fulton County must be filed in the office of the clerk of the court located in Wauseon, and specifies that cases arising in Swanton and within specified townships in Fulton County must be filed in the office of the special deputy clerk located in Swanton.
- Requires the Fulton County prosecuting attorney, beginning January 1, 2024, to prosecute all violations of state law arising within the unincorporated areas of Fulton County, with other criminal prosecutions in the Court being handled in accordance with relevant provisions of existing law.

- Specifies transition provisions, effective January 1, 2024, from the Fulton County County Court to the Fulton County Municipal Court.

### **Hamilton County Municipal Court**

- Makes it permissive, instead of mandatory as under current law, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of the Court to sit outside Cincinnati.

### **Toledo Municipal Court Housing Division**

- Expands the jurisdiction of the Toledo Municipal Court Housing Division to include any review or appeal of a final administrative order relating to a building, housing, air pollution, sanitation, health, fire, zoning, or safety code or regulation.
- Generally grants the Toledo Municipal Court Housing Division concurrent jurisdiction with the court of common pleas in criminal actions related to air, ground, or water pollution.

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## **DETAILED ANALYSIS**

### **Fulton County County Court**

Under current law, the Fulton County County Court has one part-time judge who was originally elected in 1980, and one part-time judge who was originally elected in 1982.<sup>1</sup> County court judges are elected for six-year terms, commencing January 1 in the year following the year of their election.<sup>2</sup> The part-time judgeship originally elected in 1980 was last elected in 2016. The part-time judgeship originally elected in 1982 was last elected in 2018.

The bill abolishes the Fulton County County Court effective January 1, 2024.<sup>3</sup> Effective January 1, 2023, the bill abolishes the part-time judgeship in the Fulton County County Court originally elected in 1980, whose current term ends December 31, 2022. Effective January 1, 2024, the bill abolishes the part-time judgeship in the Fulton County County Court originally elected in 1982, whose current term ends December 31, 2023.<sup>4</sup>

### **Fulton County Municipal Court**

The bill establishes a municipal court in the municipal corporation of Wauseon and provides that that municipal court, beginning January 1, 2024, is to be styled and known as the “Fulton County Municipal Court.”<sup>5</sup> Effective on that date, the Fulton County Municipal Court is

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<sup>1</sup> R.C. 1907.11(A).

<sup>2</sup> R.C. 1907.13, not in the bill.

<sup>3</sup> R.C. 1907.11(A) and Section 3(A).

<sup>4</sup> Section 3(D).

<sup>5</sup> R.C. 1901.01(A) and 1901.02(A)(34).

included in the definition of “county operated municipal court.”<sup>6</sup> One full-time judge of the Fulton County Municipal Court is to be elected in 2023.<sup>7</sup> Municipal court judges are elected for six-year terms – in courts with only one judge, the judge’s term commences January 1 in the year following the year of the judge’s election.<sup>8</sup>

Existing law, unchanged by the bill and relevant to the Fulton County Municipal Court, provides that the board of county commissioners of a county in which a county-operated municipal court is located pays all costs of operation of the court. With exceptions for certain courts not relevant to the bill, the county in which a county-operated municipal court is located receives all costs, fees, and other moneys received by the court, except fines collected for municipal ordinance violations, for certain township resolution violations, and for special disbursements specified in R.C. 307.515, R.C. 5503.04, and any other R.C. section requiring a specific manner of disbursement.<sup>9</sup> Other existing provisions, unchanged by the bill and relevant to the Fulton County Municipal Court, specify the manner in which a municipal court clerk is to disburse costs, fees, fines, bail, and other moneys payable to the clerk.<sup>10</sup>

### **Territorial jurisdiction**

The bill provides that beginning January 1, 2024, the Fulton County Municipal Court has jurisdiction within Fulton County.<sup>11</sup>

### **Branch office**

The bill requires the Fulton County Municipal Court to establish a branch office in the municipal corporation of Swanton and to appoint a special deputy clerk to administer the branch office on a full-time basis. The special deputy clerk must take the oath of office and perform the duties appertaining to the office of the clerk of court as the court prescribes, and receives such compensation payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, and payable out of the treasury of the county in which the court is located (which is Fulton County).<sup>12</sup>

### **Court sitting outside municipal corporation**

The bill requires the judge of the Fulton County Municipal Court to sit within each of the municipal corporations of Wauseon and Swanton on a weekly basis. Cases that arise within Wauseon and within Chesterfield, Clinton, Dover, Franklin, German, and Gorham townships in Fulton County must be filed in the office of the clerk of the court located in Wauseon. Cases

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<sup>6</sup> R.C. 1901.03(F).

<sup>7</sup> R.C. 1901.08.

<sup>8</sup> R.C. 1901.07(A), not in the bill.

<sup>9</sup> R.C. 1901.024, not in the bill.

<sup>10</sup> R.C. 1901.31(F), not in the bill.

<sup>11</sup> R.C. 1901.02(B).

<sup>12</sup> R.C. 1901.311(A) and (C).

that arise in Swanton and within Amboy, Fulton, Pike, Swan Creek, Royalton, and York townships must be filed in the office of the special deputy clerk located in Swanton.<sup>13</sup>

### **Criminal prosecutions**

Under current law, with certain exceptions, 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 criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.<sup>14</sup> One of the exceptions requires the Carroll County, Crawford County, Hamilton County, Madison County, and Wayne County prosecuting attorneys and, beginning January 1, 2008, the Erie County prosecuting attorney, to prosecute all violations of state law arising within the unincorporated areas of their respective counties.<sup>15</sup> The bill expands this exception by requiring the Fulton County prosecuting attorney, beginning January 1, 2024, to prosecute all violations of state law arising within the unincorporated areas of Fulton County.<sup>16</sup> Under existing law, unchanged by the bill and applicable to the Fulton County prosecuting attorney under the bill, with limited exceptions not relevant to the bill, the prosecuting attorney of any county given the duty of prosecuting in municipal court violations of state law receives no additional compensation for assuming the additional duties.<sup>17</sup>

Other existing provisions regarding criminal prosecutions, unchanged by the bill and applicable to the Fulton County Municipal Court, specify that, with certain exceptions not relevant to the bill:<sup>18</sup> (1) the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court prosecutes all cases brought before the court for criminal offenses occurring within the municipal corporation served by that person in that capacity, and (2) the prosecuting attorney of any county may enter into an agreement with any municipal corporation in the county served by the prosecuting attorney pursuant to which the prosecuting attorney prosecutes all criminal cases brought before the municipal court with territorial jurisdiction over that municipal corporation for criminal offenses occurring within the municipal corporation.

### **Transition provisions**

The bill requires all causes, judgments, executions, and other proceedings pending in the Fulton County County Court at the close of business on December 31, 2023, to be transferred to and proceed in the Fulton County Municipal Court on January 1, 2024, as if originally instituted in the Fulton County Municipal Court. The Clerk of the Fulton County County Court or other custodian must transfer to the Fulton County Municipal Court all

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<sup>13</sup> R.C. 1901.021(O).

<sup>14</sup> R.C. 1901.34(A).

<sup>15</sup> R.C. 1901.34(B).

<sup>16</sup> R.C. 1901.34(B).

<sup>17</sup> R.C. 1901.34(B).

<sup>18</sup> R.C. 1901.34(A).

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 Fulton County County Court, or any officer of that court, that pertain to those causes, judgments, executions, and proceedings at the close of business on December 31, 2023. All employees of the Fulton County County Court must be transferred to and must become employees of the Fulton County Municipal Court on January 1, 2024.<sup>19</sup>

## **Hamilton County Municipal Court**

Under continuing law, generally, the judge or judges of any municipal court having territorial jurisdiction outside the corporate limits of the municipal corporation in which it is located may sit outside the corporate limits of the municipal corporation within the area of its territorial jurisdiction.<sup>20</sup>

Current law requires that two or more of the judges of the Hamilton County Municipal Court be assigned by the presiding judge of the Court to sit outside the municipal corporation of Cincinnati.<sup>21</sup> The bill makes it permissive, instead of mandatory, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of that Court to sit outside Cincinnati.<sup>22</sup>

## **Toledo Municipal Court Housing Division**

Current law, unchanged by the bill, creates a Housing Division in the Toledo Municipal Court.<sup>23</sup>

### **Review of administrative orders**

The bill expands the jurisdiction of the Housing Division of the Toledo Municipal Court within its territory to include, in addition to its general jurisdiction (see below), any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation in the same manner and to the same extent as in similar appeals in the court of common pleas.<sup>24</sup>

## **Criminal cases related to environmental pollution**

The bill grants the Housing Division of the Toledo Municipal Court, in addition to its general jurisdiction (see below), concurrent jurisdiction with the court of common pleas in all criminal actions or proceedings related to the pollution of the air, ground, or water within the

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<sup>19</sup> Section 3(B) and (C).

<sup>20</sup> R.C. 1901.021(A).

<sup>21</sup> R.C. 1901.021(B).

<sup>22</sup> R.C. 1901.021(B).

<sup>23</sup> R.C. 1901.011, not in the bill.

<sup>24</sup> R.C. 1901.181(C)(1).

territory of the municipal court, for which a sentence of death cannot be imposed under the homicide and assault laws.<sup>25</sup>

### **General jurisdiction of a housing division**

Current law, unchanged by the bill, specifies that if a municipal court has a housing division, the division has exclusive jurisdiction within the court's territory: (1) in any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to premises used or intended for use as a place of human habitation, buildings, structures, or any other real property subject to any such code, ordinance, or regulation, (2) subject to a limited exception regarding felony offenses, in any criminal action for a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation applicable to premises used or intended for use as a place of human habitation, buildings, structures, or any other real property subject to any such code, ordinance, or regulation; and (3) in any civil action described in R.C. 3767.41(B)(1) that relates to a public nuisance.<sup>26</sup>

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## **HISTORY**

| Action                     | Date     |
|----------------------------|----------|
| Introduced                 | 12-16-21 |
| Reported, H. Civil Justice | 03-02-22 |
| Passed House (96-0)        | 03-09-22 |

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<sup>25</sup> R.C. 1901.181(C)(2).

<sup>26</sup> R.C. 1901.181(A).