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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Synopsis of House Floor Amendments

(See the [LSC Committee Amendment Synopsis](#) for amendments adopted by the House Civil Justice Committee.)

S.B. 202 of the 134th General Assembly

Jim Kelly, Director, Office of Research and Drafting

Qualifications of judges

(AM4314)

Modifies the qualifications for office for judges of municipal courts, county courts, courts of common pleas, courts of appeals, and justices of the Supreme Court, as follows:

1. The judge or justice has been admitted to the practice of law in Ohio for at least one year preceding appointment or the commencement of the judge's or justice's term.
2. For a total of at least six years preceding appointment or the commencement of the judge's or justice's term, the judge or justice has either served as a judge of a court of record in any jurisdiction in the United States (current law), or done any of the following:
 - a. Engaged in the practice of law in Ohio;
 - b. Practiced in a federal court in Ohio, regardless of whether at the time of that practice the person was admitted to the practice of law in Ohio or practiced in the courts of Ohio;
 - c. Engaged in the authorized practice of law as in-house counsel for a business in Ohio or as an attorney for a government entity in Ohio, regardless of whether at the time of that practice the person was admitted to the practice of law in Ohio or practiced in the courts of Ohio.

Fulton County County Court

(AM4368)

Requires that effective January 1, 2023, the part-time judgeship of the Fulton County County Court originally elected in 1982, be converted to the full-time judgeship of that court until the court is abolished on January 1, 2024, pursuant to enacted Sub. H.B. 518 of the 134th General Assembly, which also creates the Fulton County Municipal Court.

Requires that effective January 1, 2023, notwithstanding the compensation paid to a county court judge, that full-time judge of the Fulton County County Court receive the compensation of a full-time judge of a municipal court.

Guardianship Law, Trust Law, other estate-related law

(AM4369)

Revises the law granting a surviving adult spouse priority to disinter a body buried in a cemetery and instead grants the priority to a person designated by the decedent under the Ohio Right of Disposition Law, and if there is no designation, then the surviving spouse.

Prescribes an optional process by which the trustee of an irrevocable trust may conclude the trustee's administration of the trust.

Requires that if the trustee elects the optional process, before concluding the administration of the trust, the trustee must send both (1) a written notice with specific information outlined in the bill and (2) up to four years of trustee reports to applicable parties, including all beneficiaries of the trust.

Establishes a 45-day window for those receiving the notice and reports to provide an objection to the trustee's proposed action or any other objection concerning the trustee's administration of the trust.

Exempts from disclosure records from proceedings in probate court that involves the settlement of claims made by guardians on behalf of a minor.

Revises the options a creditor has to present a claim against an estate after the appointment of an executor or administrator and prior to the filing of a final account or certificate of termination to include presenting the claim to the executor's or administrator's counsel and to the probate court.

Expands the definition of "devise" under the anti-lapse statute to include a primary devise.

Specifies that the new definition is to be applied retroactively to the fullest extent possible, except in situations in which real property has been transferred and recorded.

Clarifies the effective date for certain changes made to Ohio Trust Law regarding exceptions to the rule against perpetuities in H.B. 701 of the 122nd General Assembly and H.B. 479 of the 129th General Assembly.

Task force on bail

(AM4370)

Establishes a Task Force on Bail to collect and evaluate data regarding the current usage of bail in this state.

County prosecutor

(AM4377)

Allows a county prosecutor to provide legal services to a metropolitan planning organization, regional transportation planning organization, or regional council of governments.

Lucas County land conveyance

(AM4377)

Authorizes the conveyance of state-owned land in Lucas County.