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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

**H.B. 305**  
**135<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 305's Bill Analysis](#)

**Version:** As Reported by House Civil Justice

**Primary Sponsors:** Reps. Stewart and Brown

**Local Impact Statement Procedure Required:** Yes

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### **Highlights**

- Any court not currently accepting electronic filing through an approved method will see increased expenses to implement such a system. Those costs would be offset somewhat by computerization fees. Municipal and county courts which raise the amount of such a fee will see an increase in revenue, but it is uncertain if the revenue would be sufficient to cover all the costs associated with the technological upgrades for any given court.

### **Detailed Analysis**

The bill makes several changes to the manner that pleadings are filed with certain courts and changes the collection and use of certain computerization fees. More specifically, the bill: (1) expands requirements for the electronic filing of pleading with the local courts, (2) allows clerks of court to disburse technology fee revenue, and (3) allows municipal and county courts to increase the maximum amount of the permissive additional fee for the computerization of the court from \$10 to \$20 to cover the computerization of the clerk's office.

### **Fiscal impact**

#### **Electronic filing – implementation costs**

Under current law, courts of common pleas are required to accept the filing of pleadings in either electronic or paper format. The bill expands this requirement to include municipal and county courts no later than 270 days after the bill's effective date. The electronic format includes either an online filing system or filing by email, but not filing by facsimile.<sup>1</sup> The bill also specifies

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<sup>1</sup> Under procedural rules adopted by the Supreme Court [Civ.R. 5(E), Crim.R. 12(B), and Juv.R. 8] courts are required to provide for the filing of documents by electronic means which includes filing by facsimile.

that these provisions, in current law and under the bill, do not apply to probate or juvenile courts (which are under the purview of courts of common pleas).

This requirement may generally codify current practice for many courts. However, any court not currently accepting filings electronically or in an approved electronic format will see increased costs to implement such a system. Costs will vary by court and depend on the current system in use by the court and what upgrades would be needed, the electronic system chosen (if new or replaced), and the volume of filings. These costs may be offset by an increase in the computerization fee authorized under the bill, as described in more detail below. However, it is uncertain if the revenue would be sufficient to cover all the costs associated with the technological upgrades for any given court.

### **Computerization fees**

Under current law, if a municipal or county court determines that additional funds are required to computerize the court, the court is permitted to charge an additional fee of up to \$10 for that purpose. The bill increases the maximum amount of their additional permissive fees from \$10 to \$20, an amount which mirrors the current maximum fee allowed for this purpose in the courts of common pleas. This fee increase is permissive, and any court that increases the fee will see an increase in revenue, all of which is required under continuing law to be used for the computerization of the court.

The bill prohibits all court clerks (common pleas, municipal, and county) from requiring (1) any fee for the filing of pleadings or documents in an electronic format to be paid before the filing, unless the clerk has provided for an electronic payment system for such filing, and (2) a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format.

Additionally, the bill permits municipal court clerks, county court clerks, and common pleas court clerks to disburse funds for the computerization of the courts and removes the court authorization requirement. Under current law, clerks of the municipal, county, and common pleas courts are not permitted to disburse funds for the computerization of the courts and instead must be authorized by the court itself. Presumably, this change will create certain administrative efficiencies for the court clerks and the subsequent management of those funds.