



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Nicholas A. Keller

Am. H.B. 215

132nd General Assembly
(As Passed by the General Assembly)

Reps. Riedel, Manning, Celebrezze, Rogers, Seitz, Barnes, Brown, Craig, Galonski, Holmes, K. Smith, Sprague, Sweeney

Sens. Coley, Eklund, Gardner, Huffman, McColley, Manning, Oelslager, Schiavoni, Yuko

Effective date: Creation of the Paulding County Municipal Court and abolishment of Paulding County County Court effective January 1, 2020; other sections effective March 23, 2018

ACT SUMMARY

- Effective January 1, 2020, abolishes the Paulding County County Court and its part-time judgeship and creates in Paulding the Paulding County Municipal Court with one full-time judge and with jurisdiction within Paulding County.
- Specifies that the judge of the Paulding County Municipal Court initially will be elected in 2019 and nominated only by petition.
- Requires the Paulding County Prosecuting Attorney to prosecute in the Paulding County Municipal Court all violations of state law arising in Paulding County.
- Authorizes the Paulding County Prosecuting Attorney to enter into an agreement with any municipal corporation in Paulding County to prosecute all cases brought in the Paulding County Municipal Court for violations of the municipal corporation's ordinances or for certain offenses occurring within the municipal corporation.
- Includes transition provisions upon the abolition of the Paulding County County Court and the establishment of the Paulding County Municipal Court.

CONTENT AND OPERATION

Creation, judge, jurisdiction, and operation

The act abolishes the Paulding County County Court and creates the Paulding County Municipal Court to be established in Paulding beginning January 1, 2020. In the Paulding County Municipal Court, one full-time judge will be elected in 2019.¹

The act grants jurisdiction to the Paulding County Municipal Court within Paulding County and classifies the court as a "county-operated municipal court." The judge of the municipal court will be nominated only by petition that must be signed by at least 50 electors of the territory of the Court and conform to the legal requirements for nomination of municipal court judges.²

Criminal prosecutions

The act requires the Paulding County Prosecuting Attorney to prosecute in the Paulding County Municipal Court all violations of state law arising in Paulding County. It permits the Prosecuting Attorney to enter into an agreement with any municipal corporation in the county to prosecute all cases brought before the municipal court for violations of the municipal corporation's ordinances or for criminal offenses, other than violations of state law, occurring within the municipal corporation. For prosecuting cases under the agreement, the Prosecuting Attorney and the municipal corporation may agree on a fee to be paid by the municipal corporation into the Paulding County treasury, to cover the expenses of the Prosecuting Attorney's office.³

Transition and effective date

Effective January 1, 2020, the act abolishes the Paulding County County Court. All causes, judgments, executions, and other proceedings pending in that court at the close of business on December 31, 2019, must be transferred to and proceed in the Paulding County Municipal Court on January 1, 2020, as if originally instituted in the municipal court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of the municipal court. The Clerk of the county court or other custodian must transfer to the municipal court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the

¹ R.C. 1901.01(A), 1901.02(A)(32), 1901.08, and 1907.11(A).

² R.C. 1901.02(B), 1901.03(F), and 1901.07(C)(6).

³ R.C. 1901.34(B) and (D).



possession of, or are subject to the jurisdiction of the 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, 2019. All employees of the county court must be transferred to and become employees of the municipal court on January 1, 2020. On that date, the part-time judgeship in the county court is abolished.⁴

HISTORY

ACTION	DATE
Introduced	05-09-17
Reported, H. Criminal Justice	06-21-17
Passed House (88-6)	09-20-17
Reported, S. Judiciary	12-12-17
Passed Senate (32-0)	12-13-17

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⁴ Section 3.

