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SENATORS Oelslager, Amstutz, Austria

A B I L L

To amend sections 2301.03, 2907.01, and 2907.35 of the Revised Code to expand the definition of "material" in the Sex Offense Laws to include any image appearing on a computer monitor or similar display device or recorded on a computer disk, magnetic tape, or similar data storage device, to create exemptions and an affirmative defense to certain offenses under those laws, and to create an additional term for the drug court judge of the Hamilton County Court of Common Pleas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2301.03, 2907.01, and 2907.35 of the Revised Code be amended to read as follows:

Sec. 2301.03. (A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

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(B) In Hamilton county:

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(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

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(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or

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after the first day of July and before the first day of August of 44
1991 and each year thereafter, a majority of the judges of the 45
division of domestic relations shall elect one of the judges of 46
the division as administrative judge of that division. If a 47
majority of the judges of the division of domestic relations are 48
unable for any reason to elect an administrative judge for the 49
division before the first day of August, a majority of the judges 50
of the Hamilton county court of common pleas, as soon as possible 51
after that date, shall elect one of the judges of the division of 52
domestic relations as administrative judge of that division. The 53
term of the administrative judge shall begin on the earlier of the 54
first day of August of the year in which the administrative judge 55
is elected or the date on which the administrative judge is 56
elected by a majority of the judges of the Hamilton county court 57
of common pleas and shall terminate on the date on which the 58
administrative judge's successor is elected in the following year. 59

In addition to the judge's regular duties, the administrative 60
judge of the division of domestic relations shall be the 61
administrator of the domestic relations division and its 62
subdivisions and departments and shall have charge of the 63
employment, assignment, and supervision of the personnel of the 64
division engaged in handling, servicing, or investigating divorce, 65
dissolution of marriage, legal separation, and annulment cases, 66
including any referees considered necessary by the judges in the 67
discharge of their various duties. 68

The administrative judge of the division of domestic 69
relations also shall designate the title, compensation, expense 70
allowances, hours, leaves of absence, and vacations of the 71
personnel of the division, and shall fix the duties of its 72
personnel. The duties of the personnel, in addition to those 73
provided for in other sections of the Revised Code, shall include 74
the handling, servicing, and investigation of divorce, dissolution 75

of marriage, legal separation, and annulment cases and counseling 76
and conciliation services that may be made available to persons 77
requesting them, whether or not the persons are parties to an 78
action pending in the division. 79

The board of county commissioners shall appropriate the sum 80
of money each year as will meet all the administrative expenses of 81
the division of domestic relations, including reasonable expenses 82
of the domestic relations judges and the division counselors and 83
other employees designated to conduct the handling, servicing, and 84
investigation of divorce, dissolution of marriage, legal 85
separation, and annulment cases, conciliation and counseling, and 86
all matters relating to those cases and counseling, and the 87
expenses involved in the attendance of division personnel at 88
domestic relations and welfare conferences designated by the 89
division, and the further sum each year as will provide for the 90
adequate operation of the division of domestic relations. 91

The compensation and expenses of all employees and the salary 92
and expenses of the judges shall be paid by the county treasurer 93
from the money appropriated for the operation of the division, 94
upon the warrant of the county auditor, certified to by the 95
administrative judge of the division of domestic relations. 96

The summonses, warrants, citations, subpoenas, and other 97
writs of the division may issue to a bailiff, constable, or staff 98
investigator of the division or to the sheriff of any county or 99
any marshal, constable, or police officer, and the provisions of 100
law relating to the subpoenaing of witnesses in other cases shall 101
apply insofar as they are applicable. When a summons, warrant, 102
citation, subpoena, or other writ is issued to an officer, other 103
than a bailiff, constable, or staff investigator of the division, 104
the expense of serving it shall be assessed as a part of the costs 105
in the case involved. 106

(3) The judge of the court of common pleas of Hamilton county 107

whose term begins on January 3, 1997, and the successor to that 108
judge whose term begins on January 3, 2003, shall each be elected 109
and designated for one term only as the drug court judge of the 110
court of common pleas of Hamilton county, ~~and the~~. The successors 111
to that the judge whose term begins on January 3, 2003, shall be 112
elected and designated as judges of the general division of the 113
court of common pleas of Hamilton county and shall not have the 114
authority granted by division (B)(3) of this section. The drug 115
court judge may accept or reject any case referred to the drug 116
court judge under division (B)(3) of this section. After the drug 117
court judge accepts a referred case, the drug court judge has full 118
authority over the case, including the authority to conduct 119
arraignment, accept pleas, enter findings and dispositions, 120
conduct trials, order treatment, and if treatment is not 121
successfully completed pronounce and enter sentence. 122

A judge of the general division of the court of common pleas 123
of Hamilton county and a judge of the Hamilton county municipal 124
court may refer to the drug court judge any case, and any 125
companion cases, the judge determines meet the criteria described 126
under divisions (B)(3)(a) and (b) of this section. If the drug 127
court judge accepts referral of a referred case, the case, and any 128
companion cases, shall be transferred to the drug court judge. A 129
judge may refer a case meeting the criteria described in divisions 130
(B)(3)(a) and (b) of this section that involves a violation of a 131
term of probation to the drug court judge, and, if the drug court 132
judge accepts the referral, the referring judge and the drug court 133
judge have concurrent jurisdiction over the case. 134

A judge of the general division of the court of common pleas 135
of Hamilton county and a judge of the Hamilton county municipal 136
court may refer a case to the drug court judge under division 137
(B)(3) of this section if the judge determines that both of the 138
following apply: 139

(a) One of the following applies:	140
(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.	141 142 143 144 145
(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.	146 147 148 149 150 151 152 153
(b) All of the following apply:	154
(i) The case involves a probationable offense or a case in which a mandatory prison term is not required to be imposed.	155 156
(ii) The defendant has no history of violent behavior.	157
(iii) The defendant has no history of mental illness.	158
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	159 160
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	161 162
(vi) The defendant has no acute health condition.	163
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	164 165
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient	166 167 168

caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(C) In Lorain county, the judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

The judge of the division of domestic relations, senior in

point of service, shall be considered as the presiding judge of
the court of common pleas, division of domestic relations, and
shall be charged exclusively with the assignment and division of
the work of the division and the employment and supervision of all
other personnel of the domestic relations division.

(2) The judges of the court of common pleas whose terms begin
on January 5, 1977, and January 2, 1991, and successors shall have
the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as other judges of
the court of common pleas of Lucas county, shall be elected and
designated as judges of the court of common pleas, juvenile
division, and shall be the juvenile judges as provided in Chapters
2151. and 2152. of the Revised Code with the powers and
jurisdictions conferred by those chapters. In addition to the
judge's regular duties, the judge of the court of common pleas,
juvenile division, senior in point of service, shall be the
administrator of the juvenile division and its subdivisions and
departments and shall have charge of the employment, assignment,
and supervision of the personnel of the division engaged in
handling, servicing, or investigating juvenile cases, including
any referees considered necessary by the judges of the division in
the discharge of their various duties.

The judge of the court of common pleas, juvenile division,
senior in point of service, also shall designate the title,
compensation, expense allowance, hours, leaves of absence, and
vacation of the personnel of the division and shall fix the duties
of the personnel of the division. The duties of the personnel, in
addition to other statutory duties include the handling,
servicing, and investigation of juvenile cases and counseling and
conciliation services that may be made available to persons
requesting them, whether or not the persons are parties to an
action pending in the division.

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(3) If one of the judges of the court of common pleas, 233
division of domestic relations, or one of the judges of the 234
juvenile division is sick, absent, or unable to perform that 235
judge's judicial duties or the volume of cases pending in that 236
judge's division necessitates it, the duties shall be performed by 237
the judges of the other of those divisions. 238

(E) In Mahoning county: 239

(1) The judge of the court of common pleas whose term began 240
on January 1, 1955, and successors, shall have the same 241
qualifications, exercise the same powers and jurisdiction, and 242
receive the same compensation as other judges of the court of 243
common pleas of Mahoning county, shall be elected and designated 244
as judge of the court of common pleas, division of domestic 245
relations, and shall be assigned all the divorce, dissolution of 246
marriage, legal separation, and annulment cases coming before the 247
court. In addition to the judge's regular duties, the judge of the 248
court of common pleas, division of domestic relations, shall be 249
the administrator of the domestic relations division and its 250
subdivisions and departments and shall have charge of the 251
employment, assignment, and supervision of the personnel of the 252
division engaged in handling, servicing, or investigating divorce, 253
dissolution of marriage, legal separation, and annulment cases, 254
including any referees considered necessary in the discharge of 255
the various duties of the judge's office. 256

The judge also shall designate the title, compensation, 257
expense allowances, hours, leaves of absence, and vacations of the 258
personnel of the division and shall fix the duties of the 259
personnel of the division. The duties of the personnel, in 260
addition to other statutory duties, include the handling, 261
servicing, and investigation of divorce, dissolution of marriage, 262
legal separation, and annulment cases and counseling and 263
conciliation services that may be made available to persons 264

requesting them, whether or not the persons are parties to an 265
action pending in the division. 266

(2) The judge of the court of common pleas whose term began 267
on January 2, 1969, and successors, shall have the same 268
qualifications, exercise the same powers and jurisdiction, and 269
receive the same compensation as other judges of the court of 270
common pleas of Mahoning county, shall be elected and designated 271
as judge of the court of common pleas, juvenile division, and 272
shall be the juvenile judge as provided in Chapters 2151. and 273
2152. of the Revised Code, with the powers and jurisdictions 274
conferred by those chapters. In addition to the judge's regular 275
duties, the judge of the court of common pleas, juvenile division, 276
shall be the administrator of the juvenile division and its 277
subdivisions and departments and shall have charge of the 278
employment, assignment, and supervision of the personnel of the 279
division engaged in handling, servicing, or investigating juvenile 280
cases, including any referees considered necessary by the judge in 281
the discharge of the judge's various duties. 282

The judge also shall designate the title, compensation, 283
expense allowances, hours, leaves of absence, and vacation of the 284
personnel of the division and shall fix the duties of the 285
personnel of the division. The duties of the personnel, in 286
addition to other statutory duties, include the handling, 287
servicing, and investigation of juvenile cases and counseling and 288
conciliation services that may be made available to persons 289
requesting them, whether or not the persons are parties to an 290
action pending in the division. 291

(3) If a judge of the court of common pleas, division of 292
domestic relations or juvenile division, is sick, absent, or 293
unable to perform that judge's judicial duties, or the volume of 294
cases pending in that judge's division necessitates it, that 295
judge's duties shall be performed by another judge of the court of 296

common pleas. 297

(F) In Montgomery county: 298

(1) The judges of the court of common pleas whose terms begin 299
on January 2, 1953, and January 4, 1977, and successors, shall 300
have the same qualifications, exercise the same powers and 301
jurisdiction, and receive the same compensation as other judges of 302
the court of common pleas of Montgomery county and shall be 303
elected and designated as judges of the court of common pleas, 304
division of domestic relations. These judges shall have assigned 305
to them all divorce, dissolution of marriage, legal separation, 306
and annulment cases. 307

The judge of the division of domestic relations, senior in 308
point of service, shall be charged exclusively with the assignment 309
and division of the work of the division and shall have charge of 310
the employment and supervision of the personnel of the division 311
engaged in handling, servicing, or investigating divorce, 312
dissolution of marriage, legal separation, and annulment cases, 313
including any necessary referees, except those employees who may 314
be appointed by the judge, junior in point of service, under this 315
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 316
Code. The judge of the division of domestic relations, senior in 317
point of service, also shall designate the title, compensation, 318
expense allowances, hours, leaves of absence, and vacation of the 319
personnel of the division and shall fix their duties. 320

(2) The judges of the court of common pleas whose terms begin 321
on January 1, 1953, and January 1, 1993, and successors, shall 322
have the same qualifications, exercise the same powers and 323
jurisdiction, and receive the same compensation as other judges of 324
the court of common pleas of Montgomery county, shall be elected 325
and designated as judges of the court of common pleas, juvenile 326
division, and shall be, and have the powers and jurisdiction of, 327
the juvenile judge as provided in Chapters 2151. and 2152. of the 328

Revised Code.

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In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

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If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

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(G) In Richland county, the judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings

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over which the juvenile court has jurisdiction, and all divorce, 361
dissolution of marriage, legal separation, and annulment cases 362
shall be assigned to that judge, except in cases that for some 363
special reason are assigned to some other judge of the court of 364
common pleas. 365

(H) In Stark county, the judges of the court of common pleas 366
whose terms begin on January 1, 1953, January 2, 1959, and January 367
1, 1993, and successors, shall have the same qualifications, 368
exercise the same powers and jurisdiction, and receive the same 369
compensation as other judges of the court of common pleas of Stark 370
county and shall be elected and designated as judges of the court 371
of common pleas, division of domestic relations. They shall have 372
all the powers relating to juvenile courts, and all cases under 373
Chapters 2151. and 2152. of the Revised Code, all parentage 374
proceedings over which the juvenile court has jurisdiction, and 375
all divorce, dissolution of marriage, legal separation, and 376
annulment cases, except cases that are assigned to some other 377
judge of the court of common pleas for some special reason, shall 378
be assigned to the judges. 379

The judge of the division of domestic relations, second most 380
senior in point of service, shall have charge of the employment 381
and supervision of the personnel of the division engaged in 382
handling, servicing, or investigating divorce, dissolution of 383
marriage, legal separation, and annulment cases, and necessary 384
referees required for the judge's respective court. 385

The judge of the division of domestic relations, senior in 386
point of service, shall be charged exclusively with the 387
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 388
of the Revised Code and with the assignment and division of the 389
work of the division and the employment and supervision of all 390
other personnel of the division, including, but not limited to, 391
that judge's necessary referees, but excepting those employees who 392

may be appointed by the judge second most senior in point of 393
service. The senior judge further shall serve in every other 394
position in which the statutes permit or require a juvenile judge 395
to serve. 396

(I) In Summit county: 397

(1) The judges of the court of common pleas whose terms begin 398
on January 4, 1967, and January 6, 1993, and successors, shall 399
have the same qualifications, exercise the same powers and 400
jurisdiction, and receive the same compensation as other judges of 401
the court of common pleas of Summit county and shall be elected 402
and designated as judges of the court of common pleas, division of 403
domestic relations. The judges of the division of domestic 404
relations shall have assigned to them and hear all divorce, 405
dissolution of marriage, legal separation, and annulment cases 406
that come before the court. Except in cases that are subject to 407
the exclusive original jurisdiction of the juvenile court, the 408
judges of the division of domestic relations shall have assigned 409
to them and hear all cases pertaining to paternity, custody, 410
visitation, child support, or the allocation of parental rights 411
and responsibilities for the care of children and all post-decree 412
proceedings arising from any case pertaining to any of those 413
matters. The judges of the division of domestic relations shall 414
have assigned to them and hear all proceedings under the uniform 415
interstate family support act contained in Chapter 3115. of the 416
Revised Code. 417

The judge of the division of domestic relations, senior in 418
point of service, shall be the administrator of the domestic 419
relations division and its subdivisions and departments and shall 420
have charge of the employment, assignment, and supervision of the 421
personnel of the division, including any necessary referees, who 422
are engaged in handling, servicing, or investigating divorce, 423
dissolution of marriage, legal separation, and annulment cases. 424

That judge also shall designate the title, compensation, expense
allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix their duties. The duties
of the personnel, in addition to other statutory duties, shall
include the handling, servicing, and investigation of divorce,
dissolution of marriage, legal separation, and annulment cases and
of any counseling and conciliation services that are available
upon request to all persons, whether or not they are parties to an
action pending in the division.

(2) The judge of the court of common pleas whose term begins
on January 1, 1955, and successors, shall have the same
qualifications, exercise the same powers and jurisdiction, and
receive the same compensation as other judges of the court of
common pleas of Summit county, shall be elected and designated as
judge of the court of common pleas, juvenile division, and shall
be, and have the powers and jurisdiction of, the juvenile judge as
provided in Chapters 2151. and 2152. of the Revised Code. Except
in cases that are subject to the exclusive original jurisdiction
of the juvenile court, the judge of the juvenile division shall
not have jurisdiction or the power to hear, and shall not be
assigned, any case pertaining to paternity, custody, visitation,
child support, or the allocation of parental rights and
responsibilities for the care of children or any post-decree
proceeding arising from any case pertaining to any of those
matters. The judge of the juvenile division shall not have
jurisdiction or the power to hear, and shall not be assigned, any
proceeding under the uniform interstate family support act
contained in Chapter 3115. of the Revised Code.

The juvenile judge shall be the administrator of the juvenile
division and its subdivisions and departments and shall have
charge of the employment, assignment, and supervision of the
personnel of the juvenile division, including any necessary

referees, who are engaged in handling, servicing, or investigating 457
juvenile cases. The judge also shall designate the title, 458
compensation, expense allowances, hours, leaves of absence, and 459
vacation of the personnel of the division and shall fix their 460
duties. The duties of the personnel, in addition to other 461
statutory duties, shall include the handling, servicing, and 462
investigation of juvenile cases and of any counseling and 463
conciliation services that are available upon request to persons, 464
whether or not they are parties to an action pending in the 465
division. 466

(J) In Trumbull county, the judges of the court of common 467
pleas whose terms begin on January 1, 1953, and January 2, 1977, 468
and successors, shall have the same qualifications, exercise the 469
same powers and jurisdiction, and receive the same compensation as 470
other judges of the court of common pleas of Trumbull county and 471
shall be elected and designated as judges of the court of common 472
pleas, division of domestic relations. They shall have all the 473
powers relating to juvenile courts, and all cases under Chapters 474
2151. and 2152. of the Revised Code, all parentage proceedings 475
over which the juvenile court has jurisdiction, and all divorce, 476
dissolution of marriage, legal separation, and annulment cases 477
shall be assigned to them, except cases that for some special 478
reason are assigned to some other judge of the court of common 479
pleas. 480

(K) In Butler county: 481

(1) The judges of the court of common pleas whose terms begin 482
on January 1, 1957, and January 4, 1993, and successors, shall 483
have the same qualifications, exercise the same powers and 484
jurisdiction, and receive the same compensation as other judges of 485
the court of common pleas of Butler county and shall be elected 486
and designated as judges of the court of common pleas, division of 487
domestic relations. The judges of the division of domestic 488

relations shall have assigned to them all divorce, dissolution of 489
marriage, legal separation, and annulment cases coming before the 490
court, except in cases that for some special reason are assigned 491
to some other judge of the court of common pleas. The judge senior 492
in point of service shall be charged with the assignment and 493
division of the work of the division and with the employment and 494
supervision of all other personnel of the domestic relations 495
division. 496

The judge senior in point of service also shall designate the 497
title, compensation, expense allowances, hours, leaves of absence, 498
and vacations of the personnel of the division and shall fix their 499
duties. The duties of the personnel, in addition to other 500
statutory duties, shall include the handling, servicing, and 501
investigation of divorce, dissolution of marriage, legal 502
separation, and annulment cases and providing any counseling and 503
conciliation services that the division makes available to 504
persons, whether or not the persons are parties to an action 505
pending in the division, who request the services. 506

(2) The judges of the court of common pleas whose terms begin 507
on January 3, 1987, and January 2, 2003, and successors, shall 508
have the same qualifications, exercise the same powers and 509
jurisdiction, and receive the same compensation as other judges of 510
the court of common pleas of Butler county, shall be elected and 511
designated as judges of the court of common pleas, juvenile 512
division, and shall be the juvenile judges as provided in Chapters 513
2151. and 2152. of the Revised Code, with the powers and 514
jurisdictions conferred by those chapters. The judge of the court 515
of common pleas, juvenile division, who is senior in point of 516
service, shall be the administrator of the juvenile division and 517
its subdivisions and departments. The judge, senior in point of 518
service, shall have charge of the employment, assignment, and 519
supervision of the personnel of the juvenile division who are 520

engaged in handling, servicing, or investigating juvenile cases, 521
including any referees whom the judge considers necessary for the 522
discharge of the judge's various duties. 523

The judge, senior in point of service, also shall designate 524
the title, compensation, expense allowances, hours, leaves of 525
absence, and vacation of the personnel of the division and shall 526
fix their duties. The duties of the personnel, in addition to 527
other statutory duties, include the handling, servicing, and 528
investigation of juvenile cases and providing any counseling and 529
conciliation services that the division makes available to 530
persons, whether or not the persons are parties to an action 531
pending in the division, who request the services. 532

(3) If a judge of the court of common pleas, division of 533
domestic relations or juvenile division, is sick, absent, or 534
unable to perform that judge's judicial duties or the volume of 535
cases pending in the judge's division necessitates it, the duties 536
of that judge shall be performed by the other judges of the 537
domestic relations and juvenile divisions. 538

(L)(1) In Cuyahoga county, the judges of the court of common 539
pleas whose terms begin on January 8, 1961, January 9, 1961, 540
January 18, 1975, January 19, 1975, and January 13, 1987, and 541
successors, shall have the same qualifications, exercise the same 542
powers and jurisdiction, and receive the same compensation as 543
other judges of the court of common pleas of Cuyahoga county and 544
shall be elected and designated as judges of the court of common 545
pleas, division of domestic relations. They shall have all the 546
powers relating to all divorce, dissolution of marriage, legal 547
separation, and annulment cases, except in cases that are assigned 548
to some other judge of the court of common pleas for some special 549
reason. 550

(2) The administrative judge is administrator of the domestic 551
relations division and its subdivisions and departments and has 552

the following powers concerning division personnel: 553

(a) Full charge of the employment, assignment, and 554
supervision; 555

(b) Sole determination of compensation, duties, expenses, 556
allowances, hours, leaves, and vacations. 557

(3) "Division personnel" include persons employed or referees 558
engaged in hearing, servicing, investigating, counseling, or 559
conciliating divorce, dissolution of marriage, legal separation 560
and annulment matters. 561

(M) In Lake county: 562

(1) The judge of the court of common pleas whose term begins 563
on January 2, 1961, and successors, shall have the same 564
qualifications, exercise the same powers and jurisdiction, and 565
receive the same compensation as the other judges of the court of 566
common pleas of Lake county and shall be elected and designated as 567
judge of the court of common pleas, division of domestic 568
relations. The judge shall be assigned all the divorce, 569
dissolution of marriage, legal separation, and annulment cases 570
coming before the court, except in cases that for some special 571
reason are assigned to some other judge of the court of common 572
pleas. The judge shall be charged with the assignment and division 573
of the work of the division and with the employment and 574
supervision of all other personnel of the domestic relations 575
division. 576

The judge also shall designate the title, compensation, 577
expense allowances, hours, leaves of absence, and vacations of the 578
personnel of the division and shall fix their duties. The duties 579
of the personnel, in addition to other statutory duties, shall 580
include the handling, servicing, and investigation of divorce, 581
dissolution of marriage, legal separation, and annulment cases and 582
providing any counseling and conciliation services that the 583

division makes available to persons, whether or not the persons
are parties to an action pending in the division, who request the
services.

(2) The judge of the court of common pleas whose term begins
on January 4, 1979, and successors, shall have the same
qualifications, exercise the same powers and jurisdiction, and
receive the same compensation as other judges of the court of
common pleas of Lake county, shall be elected and designated as
judge of the court of common pleas, juvenile division, and shall
be the juvenile judge as provided in Chapters 2151. and 2152. of
the Revised Code, with the powers and jurisdictions conferred by
those chapters. The judge of the court of common pleas, juvenile
division, shall be the administrator of the juvenile division and
its subdivisions and departments. The judge shall have charge of
the employment, assignment, and supervision of the personnel of
the juvenile division who are engaged in handling, servicing, or
investigating juvenile cases, including any referees whom the
judge considers necessary for the discharge of the judge's various
duties.

The judge also shall designate the title, compensation,
expense allowances, hours, leaves of absence, and vacation of the
personnel of the division and shall fix their duties. The duties
of the personnel, in addition to other statutory duties, include
the handling, servicing, and investigation of juvenile cases and
providing any counseling and conciliation services that the
division makes available to persons, whether or not the persons
are parties to an action pending in the division, who request the
services.

(3) If a judge of the court of common pleas, division of
domestic relations or juvenile division, is sick, absent, or
unable to perform that judge's judicial duties or the volume of
cases pending in the judge's division necessitates it, the duties

of that judge shall be performed by the other judges of the
domestic relations and juvenile divisions.

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(N) In Erie county, the judge of the court of common pleas
whose term begins on January 2, 1971, and successors, shall have
the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as the other judge
of the court of common pleas of Erie county and shall be elected
and designated as judge of the court of common pleas, division of
domestic relations. The judge shall have all the powers relating
to juvenile courts, and shall be assigned all cases under Chapters
2151. and 2152. of the Revised Code, parentage proceedings over
which the juvenile court has jurisdiction, and divorce,
dissolution of marriage, legal separation, and annulment cases,
except cases that for some special reason are assigned to some
other judge.

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(O) In Greene county:

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(1) The judge of the court of common pleas whose term begins
on January 1, 1961, and successors, shall have the same
qualifications, exercise the same powers and jurisdiction, and
receive the same compensation as the other judges of the court of
common pleas of Greene county and shall be elected and designated
as the judge of the court of common pleas, division of domestic
relations. The judge shall be assigned all divorce, dissolution of
marriage, legal separation, annulment, uniform reciprocal support
enforcement, and domestic violence cases and all other cases
related to domestic relations, except cases that for some special
reason are assigned to some other judge of the court of common
pleas.

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The judge shall be charged with the assignment and division
of the work of the division and with the employment and
supervision of all other personnel of the division. The judge also
shall designate the title, compensation, hours, leaves of absence,

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and vacations of the personnel of the division and shall fix their
duties. The duties of the personnel of the division, in addition
to other statutory duties, shall include the handling, servicing,
and investigation of divorce, dissolution of marriage, legal
separation, and annulment cases and the provision of counseling
and conciliation services that the division considers necessary
and makes available to persons who request the services, whether
or not the persons are parties in an action pending in the
division. The compensation for the personnel shall be paid from
the overall court budget and shall be included in the
appropriations for the existing judges of the general division of
the court of common pleas.

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(2) The judge of the court of common pleas whose term begins
on January 1, 1995, and successors, shall have the same
qualifications, exercise the same powers and jurisdiction, and
receive the same compensation as the other judges of the court of
common pleas of Greene county, shall be elected and designated as
judge of the court of common pleas, juvenile division, and, on or
after January 1, 1995, shall be the juvenile judge as provided in
Chapters 2151. and 2152. of the Revised Code with the powers and
jurisdiction conferred by those chapters. The judge of the court
of common pleas, juvenile division, shall be the administrator of
the juvenile division and its subdivisions and departments. The
judge shall have charge of the employment, assignment, and
supervision of the personnel of the juvenile division who are
engaged in handling, servicing, or investigating juvenile cases,
including any referees whom the judge considers necessary for the
discharge of the judge's various duties.

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The judge also shall designate the title, compensation,
expense allowances, hours, leaves of absence, and vacation of the
personnel of the division and shall fix their duties. The duties
of the personnel, in addition to other statutory duties, include

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the handling, servicing, and investigation of juvenile cases and
providing any counseling and conciliation services that the court
makes available to persons, whether or not the persons are parties
to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas,
general division, is sick, absent, or unable to perform that
judge's judicial duties or the volume of cases pending in the
general division necessitates it, the duties of that judge of the
general division shall be performed by the judge of the division
of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common
pleas, whose term begins January 2, 1987, and successors, shall
have the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as the other
judges of the court of common pleas of Portage county and shall be
elected and designated as judge of the court of common pleas,
division of domestic relations. The judge shall be assigned all
divorce, dissolution of marriage, legal separation, and annulment
cases coming before the court, except in cases that for some
special reason are assigned to some other judge of the court of
common pleas. The judge shall be charged with the assignment and
division of the work of the division and with the employment and
supervision of all other personnel of the domestic relations
division.

The judge also shall designate the title, compensation,
expense allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix their duties. The duties
of the personnel, in addition to other statutory duties, shall
include the handling, servicing, and investigation of divorce,
dissolution of marriage, legal separation, and annulment cases and
providing any counseling and conciliation services that the
division makes available to persons, whether or not the persons

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are parties to an action pending in the division, who request the services.

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(Q) In Clermont county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Clermont county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

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The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

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(R) In Warren county, the judge of the court of common pleas, whose term begins January 1, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Warren county and shall be elected and designated as judge of the court of common pleas, division of

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domestic relations. The judge shall be assigned all divorce, 744
dissolution of marriage, legal separation, and annulment cases 745
coming before the court, except in cases that for some special 746
reason are assigned to some other judge of the court of common 747
pleas. The judge shall be charged with the assignment and division 748
of the work of the division and with the employment and 749
supervision of all other personnel of the domestic relations 750
division. 751

The judge also shall designate the title, compensation, 752
expense allowances, hours, leaves of absence, and vacations of the 753
personnel of the division and shall fix their duties. The duties 754
of the personnel, in addition to other statutory duties, shall 755
include the handling, servicing, and investigation of divorce, 756
dissolution of marriage, legal separation, and annulment cases and 757
providing any counseling and conciliation services that the 758
division makes available to persons, whether or not the persons 759
are parties to an action pending in the division, who request the 760
services. 761

(S) In Licking county, the judge of the court of common 762
pleas, whose term begins January 1, 1991, and successors, shall 763
have the same qualifications, exercise the same powers and 764
jurisdiction, and receive the same compensation as the other 765
judges of the court of common pleas of Licking county and shall be 766
elected and designated as judge of the court of common pleas, 767
division of domestic relations. The judge shall be assigned all 768
divorce, dissolution of marriage, legal separation, and annulment 769
cases, all cases arising under Chapter 3111. of the Revised Code, 770
all proceedings involving child support, the allocation of 771
parental rights and responsibilities for the care of children and 772
the designation for the children of a place of residence and legal 773
custodian, parenting time, and visitation, and all post-decree 774
proceedings and matters arising from those cases and proceedings, 775

except in cases that for some special reason are assigned to 776
another judge of the court of common pleas. The judge shall be 777
charged with the assignment and division of the work of the 778
division and with the employment and supervision of the personnel 779
of the division. 780

The judge shall designate the title, compensation, expense 781
allowances, hours, leaves of absence, and vacations of the 782
personnel of the division and shall fix the duties of the 783
personnel of the division. The duties of the personnel of the 784
division, in addition to other statutory duties, shall include the 785
handling, servicing, and investigation of divorce, dissolution of 786
marriage, legal separation, and annulment cases, cases arising 787
under Chapter 3111. of the Revised Code, and proceedings involving 788
child support, the allocation of parental rights and 789
responsibilities for the care of children and the designation for 790
the children of a place of residence and legal custodian, 791
parenting time, and visitation and providing any counseling and 792
conciliation services that the division makes available to 793
persons, whether or not the persons are parties to an action 794
pending in the division, who request the services. 795

(T) In Allen county, the judge of the court of common pleas, 796
whose term begins January 1, 1993, and successors, shall have the 797
same qualifications, exercise the same powers and jurisdiction, 798
and receive the same compensation as the other judges of the court 799
of common pleas of Allen county and shall be elected and 800
designated as judge of the court of common pleas, division of 801
domestic relations. The judge shall be assigned all divorce, 802
dissolution of marriage, legal separation, and annulment cases, 803
all cases arising under Chapter 3111. of the Revised Code, all 804
proceedings involving child support, the allocation of parental 805
rights and responsibilities for the care of children and the 806
designation for the children of a place of residence and legal 807

custodian, parenting time, and visitation, and all post-decree 808
proceedings and matters arising from those cases and proceedings, 809
except in cases that for some special reason are assigned to 810
another judge of the court of common pleas. The judge shall be 811
charged with the assignment and division of the work of the 812
division and with the employment and supervision of the personnel 813
of the division. 814

The judge shall designate the title, compensation, expense 815
allowances, hours, leaves of absence, and vacations of the 816
personnel of the division and shall fix the duties of the 817
personnel of the division. The duties of the personnel of the 818
division, in addition to other statutory duties, shall include the 819
handling, servicing, and investigation of divorce, dissolution of 820
marriage, legal separation, and annulment cases, cases arising 821
under Chapter 3111. of the Revised Code, and proceedings involving 822
child support, the allocation of parental rights and 823
responsibilities for the care of children and the designation for 824
the children of a place of residence and legal custodian, 825
parenting time, and visitation, and providing any counseling and 826
conciliation services that the division makes available to 827
persons, whether or not the persons are parties to an action 828
pending in the division, who request the services. 829

(U) In Medina county, the judge of the court of common pleas 830
whose term begins January 1, 1995, and successors, shall have the 831
same qualifications, exercise the same powers and jurisdiction, 832
and receive the same compensation as other judges of the court of 833
common pleas of Medina county and shall be elected and designated 834
as judge of the court of common pleas, division of domestic 835
relations. The judge shall be assigned all divorce, dissolution of 836
marriage, legal separation, and annulment cases, all cases arising 837
under Chapter 3111. of the Revised Code, all proceedings involving 838
child support, the allocation of parental rights and 839

responsibilities for the care of children and the designation for 840
the children of a place of residence and legal custodian, 841
parenting time, and visitation, and all post-decree proceedings 842
and matters arising from those cases and proceedings, except in 843
cases that for some special reason are assigned to another judge 844
of the court of common pleas. The judge shall be charged with the 845
assignment and division of the work of the division and with the 846
employment and supervision of the personnel of the division. 847

The judge shall designate the title, compensation, expense 848
allowances, hours, leaves of absence, and vacations of the 849
personnel of the division and shall fix the duties of the 850
personnel of the division. The duties of the personnel, in 851
addition to other statutory duties, include the handling, 852
servicing, and investigation of divorce, dissolution of marriage, 853
legal separation, and annulment cases, cases arising under Chapter 854
3111. of the Revised Code, and proceedings involving child 855
support, the allocation of parental rights and responsibilities 856
for the care of children and the designation for the children of a 857
place of residence and legal custodian, parenting time, and 858
visitation, and providing counseling and conciliation services 859
that the division makes available to persons, whether or not the 860
persons are parties to an action pending in the division, who 861
request the services. 862

(V) In Fairfield county, the judge of the court of common 863
pleas whose term begins January 2, 1995, and successors, shall 864
have the same qualifications, exercise the same powers and 865
jurisdiction, and receive the same compensation as the other 866
judges of the court of common pleas of Fairfield county and shall 867
be elected and designated as judge of the court of common pleas, 868
division of domestic relations. The judge shall be assigned all 869
divorce, dissolution of marriage, legal separation, and annulment 870
cases, all cases arising under Chapter 3111. of the Revised Code, 871

all proceedings involving child support, the allocation of
parental rights and responsibilities for the care of children and
the designation for the children of a place of residence and legal
custodian, parenting time, and visitation, and all post-decree
proceedings and matters arising from those cases and proceedings,
except in cases that for some special reason are assigned to
another judge of the court of common pleas. The judge also has
concurrent jurisdiction with the probate-juvenile division of the
court of common pleas of Fairfield county with respect to and may
hear cases to determine the custody of a child, as defined in
section 2151.011 of the Revised Code, who is not the ward of
another court of this state, cases that are commenced by a parent,
guardian, or custodian of a child, as defined in section 2151.011
of the Revised Code, to obtain an order requiring a parent of the
child to pay child support for that child when the request for
that order is not ancillary to an action for divorce, dissolution
of marriage, annulment, or legal separation, a criminal or civil
action involving an allegation of domestic violence, an action for
support under Chapter 3115. of the Revised Code, or an action that
is within the exclusive original jurisdiction of the
probate-juvenile division of the court of common pleas of
Fairfield county and that involves an allegation that the child is
an abused, neglected, or dependent child, and post-decree
proceedings and matters arising from those types of cases.

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The judge of the domestic relations division shall be charged
with the assignment and division of the work of the division and
with the employment and supervision of the personnel of the
division.

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The judge shall designate the title, compensation, expense
allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix the duties of the
personnel of the division. The duties of the personnel of the

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division, in addition to other statutory duties, shall include the 904
handling, servicing, and investigation of divorce, dissolution of 905
marriage, legal separation, and annulment cases, cases arising 906
under Chapter 3111. of the Revised Code, and proceedings involving 907
child support, the allocation of parental rights and 908
responsibilities for the care of children and the designation for 909
the children of a place of residence and legal custodian, 910
parenting time, and visitation, and providing any counseling and 911
conciliation services that the division makes available to 912
persons, regardless of whether the persons are parties to an 913
action pending in the division, who request the services. When the 914
judge hears a case to determine the custody of a child, as defined 915
in section 2151.011 of the Revised Code, who is not the ward of 916
another court of this state or a case that is commenced by a 917
parent, guardian, or custodian of a child, as defined in section 918
2151.011 of the Revised Code, to obtain an order requiring a 919
parent of the child to pay child support for that child when the 920
request for that order is not ancillary to an action for divorce, 921
dissolution of marriage, annulment, or legal separation, a 922
criminal or civil action involving an allegation of domestic 923
violence, an action for support under Chapter 3115. of the Revised 924
Code, or an action that is within the exclusive original 925
jurisdiction of the probate-juvenile division of the court of 926
common pleas of Fairfield county and that involves an allegation 927
that the child is an abused, neglected, or dependent child, the 928
duties of the personnel of the domestic relations division also 929
include the handling, servicing, and investigation of those types 930
of cases. 931

(W)(1) In Clark county, the judge of the court of common 932
pleas whose term begins on January 2, 1995, and successors, shall 933
have the same qualifications, exercise the same powers and 934
jurisdiction, and receive the same compensation as other judges of 935

the court of common pleas of Clark county and shall be elected and 936
designated as judge of the court of common pleas, domestic 937
relations division. The judge shall have all the powers relating 938
to juvenile courts, and all cases under Chapters 2151. and 2152. 939
of the Revised Code and all parentage proceedings under Chapter 940
3111. of the Revised Code over which the juvenile court has 941
jurisdiction shall be assigned to the judge of the division of 942
domestic relations. All divorce, dissolution of marriage, legal 943
separation, annulment, uniform reciprocal support enforcement, and 944
other cases related to domestic relations shall be assigned to the 945
domestic relations division, and the presiding judge of the court 946
of common pleas shall assign the cases to the judge of the 947
domestic relations division and the judges of the general 948
division. 949

(2) In addition to the judge's regular duties, the judge of 950
the division of domestic relations shall serve on the children 951
services board and the county advisory board. 952

(3) If the judge of the court of common pleas of Clark 953
county, division of domestic relations, is sick, absent, or unable 954
to perform that judge's judicial duties or if the presiding judge 955
of the court of common pleas of Clark county determines that the 956
volume of cases pending in the division of domestic relations 957
necessitates it, the duties of the judge of the division of 958
domestic relations shall be performed by the judges of the general 959
division or probate division of the court of common pleas of Clark 960
county, as assigned for that purpose by the presiding judge of 961
that court, and the judges so assigned shall act in conjunction 962
with the judge of the division of domestic relations of that 963
court. 964

(X) In Scioto county, the judge of the court of common pleas 965
whose term begins January 2, 1995, and successors, shall have the 966
same qualifications, exercise the same powers and jurisdiction, 967

and receive the same compensation as other judges of the court of
common pleas of Scioto county and shall be elected and designated
as judge of the court of common pleas, division of domestic
relations. The judge shall be assigned all divorce, dissolution of
marriage, legal separation, and annulment cases, all cases arising
under Chapter 3111. of the Revised Code, all proceedings involving
child support, the allocation of parental rights and
responsibilities for the care of children and the designation for
the children of a place of residence and legal custodian,
parenting time, visitation, and all post-decree proceedings and
matters arising from those cases and proceedings, except in cases
that for some special reason are assigned to another judge of the
court of common pleas. The judge shall be charged with the
assignment and division of the work of the division and with the
employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense
allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix the duties of the
personnel of the division. The duties of the personnel, in
addition to other statutory duties, include the handling,
servicing, and investigation of divorce, dissolution of marriage,
legal separation, and annulment cases, cases arising under Chapter
3111. of the Revised Code, and proceedings involving child
support, the allocation of parental rights and responsibilities
for the care of children and the designation for the children of a
place of residence and legal custodian, parenting time, and
visitation, and providing counseling and conciliation services
that the division makes available to persons, whether or not the
persons are parties to an action pending in the division, who
request the services.

(Y) In Auglaize county, the judge of the probate and juvenile
divisions of the Auglaize county court of common pleas also shall

be the administrative judge of the domestic relations division of 1000
the court and shall be assigned all divorce, dissolution of 1001
marriage, legal separation, and annulment cases coming before the 1002
court. The judge shall have all powers as administrator of the 1003
domestic relations division and shall have charge of the personnel 1004
engaged in handling, servicing, or investigating divorce, 1005
dissolution of marriage, legal separation, and annulment cases, 1006
including any referees considered necessary for the discharge of 1007
the judge's various duties. 1008

(Z)(1) In Marion county, the judge of the court of common 1009
pleas whose term begins on February 9, 1999, and the successors to 1010
that judge, shall have the same qualifications, exercise the same 1011
powers and jurisdiction, and receive the same compensation as the 1012
other judges of the court of common pleas of Marion county and 1013
shall be elected and designated as judge of the court of common 1014
pleas, domestic relations-juvenile-probate division. Except as 1015
otherwise specified in this division, that judge, and the 1016
successors to that judge, shall have all the powers relating to 1017
juvenile courts, and all cases under Chapters 2151. and 2152. of 1018
the Revised Code, all cases arising under Chapter 3111. of the 1019
Revised Code, all divorce, dissolution of marriage, legal 1020
separation, and annulment cases, all proceedings involving child 1021
support, the allocation of parental rights and responsibilities 1022
for the care of children and the designation for the children of a 1023
place of residence and legal custodian, parenting time, and 1024
visitation, and all post-decree proceedings and matters arising 1025
from those cases and proceedings shall be assigned to that judge 1026
and the successors to that judge. Except as provided in division 1027
(Z)(2) of this section and notwithstanding any other provision of 1028
any section of the Revised Code, on and after February 9, 2003, 1029
the judge of the court of common pleas of Marion county whose term 1030
begins on February 9, 1999, and the successors to that judge, 1031

shall have all the powers relating to the probate division of the
court of common pleas of Marion county in addition to the powers
previously specified in this division, and shall exercise
concurrent jurisdiction with the judge of the probate division of
that court over all matters that are within the jurisdiction of
the probate division of that court under Chapter 2101., and other
provisions, of the Revised Code in addition to the jurisdiction of
the domestic relations-juvenile-probate division of that court
otherwise specified in division (Z)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate
division of the court of common pleas of Marion county or the
judge of the probate division of the court of common pleas of
Marion county, whichever of those judges is senior in total length
of service on the court of common pleas of Marion county,
regardless of the division or divisions of service, shall serve as
the clerk of the probate division of the court of common pleas of
Marion county.

(3) On and after February 9, 2003, all references in law to
"the probate court," "the probate judge," "the juvenile court," or
"the judge of the juvenile court" shall be construed, with respect
to Marion county, as being references to both "the probate
division" and "the domestic relations-juvenile-probate division"
and as being references to both "the judge of the probate
division" and "the judge of the domestic relations-
juvenile-probate division." On and after February 9, 2003, all
references in law to "the clerk of the probate court" shall be
construed, with respect to Marion county, as being references to
the judge who is serving pursuant to division (Z)(2) of this
section as the clerk of the probate division of the court of
common pleas of Marion county.

(AA) In Muskingum county, the judge of the court of common
pleas whose term begins on January 2, 2003, and successors, shall

have the same qualifications, exercise the same powers and 1064
jurisdiction, and receive the same compensation as the other 1065
judges of the court of common pleas of Muskingum county and shall 1066
be elected and designated as the judge of the court of common 1067
pleas, division of domestic relations. The judge shall have all of 1068
the powers relating to juvenile courts and shall be assigned all 1069
cases under Chapter 2151. or 2152. of the Revised Code, all 1070
parentage proceedings over which the juvenile court has 1071
jurisdiction, all divorce, dissolution of marriage, legal 1072
separation, and annulment cases, all cases arising under Chapter 1073
3111. of the Revised Code, all proceedings involving child 1074
support, the allocation of parental rights and responsibilities 1075
for the care of children, the designation for the children of a 1076
place of residence and legal custodian, and visitation, and all 1077
post-decree proceedings and matters arising from those cases and 1078
proceedings, except cases that for some special reason are 1079
assigned to some other judge of the court of common pleas. 1080

(BB) If a judge of the court of common pleas, division of 1081
domestic relations, or juvenile judge, of any of the counties 1082
mentioned in this section is sick, absent, or unable to perform 1083
that judge's judicial duties or the volume of cases pending in the 1084
judge's division necessitates it, the duties of that judge shall 1085
be performed by another judge of the court of common pleas of that 1086
county, assigned for that purpose by the presiding judge of the 1087
court of common pleas of that county to act in place of or in 1088
conjunction with that judge, as the case may require. 1089

Sec. 2907.01. As used in sections 2907.01 to 2907.37 of the 1090
Revised Code: 1091

(A) "Sexual conduct" means vaginal intercourse between a male 1092
and female; anal intercourse, fellatio, and cunnilingus between 1093
persons regardless of sex; and, without privilege to do so, the 1094

insertion, however slight, of any part of the body or any
instrument, apparatus, or other object into the vaginal or anal
cavity of another. Penetration, however slight, is sufficient to
complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone
of another, including without limitation the thigh, genitals,
buttock, pubic region, or, if the person is a female, a breast,
for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact,
or both.

(D) "Prostitute" means a male or female who promiscuously
engages in sexual activity for hire, regardless of whether the
hire is paid to the prostitute or to another.

(E) Any material or performance is "harmful to juveniles," if
it is offensive to prevailing standards in the adult community
with respect to what is suitable for juveniles, and if any of the
following apply:

(1) It tends to appeal to the prurient interest of juveniles;

(2) It contains a display, description, or representation of
sexual activity, masturbation, sexual excitement, or nudity;

(3) It contains a display, description, or representation of
bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) It contains a display, description, or representation of
human bodily functions of elimination;

(5) It makes repeated use of foul language;

(6) It contains a display, description, or representation in
lurid detail of the violent physical torture, dismemberment,
destruction, or death of a human being;

(7) It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means one of the following:

(1)(a) As used in section 2907.311 of the Revised Code and in the portions of section 2907.31 of the Revised Code that pertain to materials that are harmful to juveniles but not obscene, "material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, tape, or other tangible thing capable of arousing interest through sight, sound, or touch and, except as provided in division (J)(1)(b) of this section, includes an image or text appearing on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor or an image or text recorded on a computer hard disk, computer floppy disk, magnetic tape, or similar storage device.

(b) As used in section 2907.311 of the Revised Code and in the portions of section 2907.31 of the Revised Code that pertain to materials that are harmful to juveniles but not obscene, both of the following apply:

(i) Except as otherwise provided in division (J)(1)(b)(ii) of this section, "material" does not include an image or text that appears on a computer monitor or on a television screen, liquid

crystal display, or similar display device used as a computer 1186
monitor while the monitor, screen, display, or device is actively 1187
connected to a web site on the internet. 1188

(ii) "Material" includes an image or text that appears on a 1189
computer monitor or on a television screen, liquid crystal 1190
display, or similar display device used as a computer monitor 1191
while the monitor, screen, display, or device is actively 1192
connected to a web site on the internet if the image or text is 1193
contained in an e-mail message or if the image or text is so 1194
appearing on the monitor, screen, display, or device during a 1195
direct presentation to a specific, known juvenile or group of 1196
known juveniles. The image or text is "material" under this 1197
division only regarding the application of section 2907.311 of the 1198
Revised Code and the portions of section 2907.31 of the Revised 1199
Code that pertain to materials that are harmful to juveniles but 1200
not obscene to the person who sends the e-mail message or who 1201
directly presents the image or text to the specific, known 1202
juvenile or group of known juveniles. 1203

(2) As used in all provisions of sections 2907.01 to 2907.37 1204
of the Revised Code that are not identified in division (J)(1) of 1205
this section, "material" means any book, magazine, newspaper, 1206
pamphlet, poster, print, picture, figure, image, description, 1207
motion picture film, phonographic record, or tape, or other 1208
tangible thing capable of arousing interest through sight, sound, 1209
or touch and includes an image or text appearing on a computer 1210
monitor, television screen, liquid crystal display, or similar 1211
display device or an image or text recorded on a computer hard 1212
disk, computer floppy disk, compact disk, magnetic tape, or 1213
similar data storage device. 1214

(K) "Performance" means any motion picture, preview, trailer, 1215
play, show, skit, dance, or other exhibition performed before an 1216
audience. 1217

(L) "Spouse" means a person married to an offender at the 1218
time of an alleged offense, except that such person shall not be 1219
considered the spouse when any of the following apply: 1220

(1) When the parties have entered into a written separation 1221
agreement authorized by section 3103.06 of the Revised Code; 1222

(2) During the pendency of an action between the parties for 1223
annulment, divorce, dissolution of marriage, or legal separation; 1224

(3) In the case of an action for legal separation, after the 1225
effective date of the judgment for legal separation. 1226

(M) "Minor" means a person under the age of eighteen. 1227

Sec. 2907.35. (A) An owner or manager, or ~~his~~ agent or 1228
employee of an owner or manager, of a bookstore, newsstand, 1229
theater, or other commercial establishment engaged in selling 1230
materials or exhibiting performances, who, in the course of 1231
business: 1232

(1) Possesses five or more identical or substantially similar 1233
obscene articles, having knowledge of their character, is presumed 1234
to possess them in violation of division (A)(5) of section 2907.32 1235
of the Revised Code; 1236

(2) Does any of the acts prohibited by section 2907.31 or 1237
2907.32 of the Revised Code, is presumed to have knowledge of the 1238
character of the material or performance involved, if ~~he~~ the 1239
owner, manager, or agent or employee of the owner or manager has 1240
actual notice of the nature of such material or performance, 1241
whether or not ~~he~~ the owner, manager, or agent or employee of the 1242
owner or manager has precise knowledge of its contents. 1243

(B) Without limitation on the manner in which such notice may 1244
be given, actual notice of the character of material or a 1245
performance may be given in writing by the chief legal officer of 1246
the jurisdiction in which the person to whom the notice is 1247

directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles, and bear the date of such notice.

(C) Sections 2907.31 and 2907.32 of the Revised Code do not apply to a motion picture operator or projectionist acting within the scope of ~~his~~ employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in ~~his~~ the operator's or projectionist's place of employment, other than wages.

(D)(1) Sections 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, and 2907.34 and division (A) of section 2907.33 of the Revised Code do not apply to a person solely because the person provided access or connection to or from a computer facility, system, or network not under that person's control, including having provided transmission, downloading, intermediate storage, access software, or other related capabilities that are incidental to providing access or connection to or from a computer facility, system, or network, and that do not include the creation of the content of the material that is the subject of the access or connection.

(2) Division (D)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of section 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, or 2907.34 of the Revised Code or who knowingly advertises the availability of material of that nature.

(3) Division (D)(1) of this section does not apply to a person who provides access or connection to a computer facility, system, or network that is engaged in the violation of section 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33,

or 2907.34 of the Revised Code and that contains content that 1280
person has selected and placed in or on the facility, system, or 1281
network or content over which that person exercises editorial 1282
control. 1283

(E) An employer is not guilty of a violation of section 1284
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 1285
or 2907.34 of the Revised Code based on the actions of an employee 1286
or agent of the employer unless the employee's or agent's conduct 1287
is within the scope of employee's or agent's employment or agency, 1288
and the employer does either of the following: 1289

(1) With knowledge of the employee's or agent's conduct, the 1290
employer authorizes or ratifies the conduct. 1291

(2) The employer recklessly disregards the employee's or 1292
agent's conduct. 1293

(F) It is an affirmative defense to a charge under section 1294
2907.31 or 2907.311 of the Revised Code as the section applies to 1295
an image transmitted through the internet that the person charged 1296
with violating the section has taken, in good faith, reasonable, 1297
effective, and appropriate actions under the circumstances to 1298
restrict or prevent access by juveniles to material that is 1299
harmful to juveniles, including any method that is feasible under 1300
available technology. 1301

Section 2. That existing sections 2301.03, 2907.01, and 1302
2907.35 of the Revised Code are hereby repealed. 1303

Section 3. (A) Notwithstanding sections 3513.05 and 3513.257 1304
and any other provision of the Revised Code, each person desiring 1305
to become a candidate at the general election to be held on 1306
November 5, 2002, for election as the judge of the Hamilton County 1307
Court of Common Pleas who is to be elected in 2002, whose term 1308
begins on January 3, 2003, and who is designated by this act as 1309

the Drug Court Judge of the Hamilton County Court of Common Pleas 1310
shall file a nominating petition and statement of candidacy, as 1311
provided in section 3513.261 of the Revised Code, not later than 1312
four p.m. on August 22, 2002. In addition to any other information 1313
required by law to be set forth on the nominating petition and 1314
statement of candidacy, the documents shall designate that the 1315
judgeship sought is the Drug Court Judge of the Hamilton County 1316
Court of Common Pleas. Notwithstanding section 3513.257 of the 1317
Revised Code and notwithstanding any other provision of the 1318
Revised Code, the nominating petition of each candidate for that 1319
judgeship shall contain a minimum of fifty signatures of qualified 1320
electors of Hamilton County, except that no nominating petition 1321
shall be accepted for filing or filed if the petition appears on 1322
its face to contain or is known to contain signatures aggregating 1323
in number more than one hundred fifty. The nominating petitions of 1324
candidates for this judgeship shall be processed as set forth in 1325
section 3513.263 of the Revised Code. The names of the candidates, 1326
whose petition papers shall be determined by the board with which 1327
the petitions were filed to be valid, shall be printed on the 1328
ballot as set forth in section 3505.04 of the Revised Code. 1329

(B) Upon the effective date of this act, any statements or 1331
declarations of candidacy and nominating petitions that a person 1332
has filed prior to the effective date of this act for the election 1333
of the judge of the Hamilton County Court of Common Pleas who is 1334
to be elected in 2002 and whose term begins on January 3, 2003, 1335
shall be considered nominating petitions and statements of 1336
candidacy for the judge of the Hamilton County Court of Common 1337
Pleas who is to be elected in 2002, whose term begins on January 1338
3, 2003, and who is designated by this act as the Drug Court Judge 1339
of that Court. The nominating petitions and statements of 1340
candidacy so filed shall suffice for purposes of division (A) of 1341
this section, and the person does not need to file any additional 1342

documents under that division. 1343

Notwithstanding section 3513.30 and any other section of the 1344
Revised Code, if a person has qualified as a candidate for 1345
election as the judge of the Hamilton County Court of Common Pleas 1346
who is to be elected in 2002 and whose term begins on January 3, 1347
2003, and if the person so qualified prior to the effective date 1348
of this act and this act's designation of that judgeship as the 1349
Drug Court Judge of that Court, the person may withdraw as a 1350
candidate for that judgeship at any time prior to four p.m. on the 1351
day that is 30 days after the effective date of this act. 1352