

# As Reported by the Senate Judiciary--Criminal Justice Committee

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**REPRESENTATIVES** Hughes, Womer Benjamin, Latta, DePiero, S. Smith, Reidelbach, Young, Sykes, Perry, Willamowski, Jerse, Flowers, Goodman, Sullivan, Coates, Allen, Niehaus, Wolpert, Cates, Schmidt, Carey, Roman, Driehaus, Peterson, G. Smith, Reinhard, Metzger, Clancy, Wilson, Gilb, Evans, Williams, Raga, Salerno, Core, Seitz, Patton, Lendrum, Otterman, Sulzer, Collier, Widowfield, Manning, Hollister, Barnes, Cirelli, Carmichael, Distel, Aslanides, Ogg, Schneider, White, DeWine, Husted, D. Miller, Key, Woodard, Rhine, Bocchieri, Redfern, Schaffer

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## A BILL

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

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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.

(B) In Hamilton county:

(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.

(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 after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the

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division of domestic relations shall elect one of the judges of  
the division as administrative judge of that division. If a  
majority of the judges of the division of domestic relations are  
unable for any reason to elect an administrative judge for the  
division before the first day of August, a majority of the judges  
of the Hamilton county court of common pleas, as soon as possible  
after that date, shall elect one of the judges of the division of  
domestic relations as administrative judge of that division. The  
term of the administrative judge shall begin on the earlier of the  
first day of August of the year in which the administrative judge  
is elected or the date on which the administrative judge is  
elected by a majority of the judges of the Hamilton county court  
of common pleas and shall terminate on the date on which the  
administrative judge's successor is elected in the following year.

In addition to the judge's regular duties, the administrative  
judge of the division of domestic relations shall be the  
administrator of the domestic relations 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 divorce,  
dissolution of marriage, legal separation, and annulment cases,  
including any referees considered necessary by the judges in the  
discharge of their various duties.

The administrative judge of the division of domestic  
relations also 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 its  
personnel. The duties of the personnel, in addition to those  
provided for in other sections of the Revised Code, shall include  
the handling, servicing, and investigation of divorce, dissolution  
of marriage, legal separation, and annulment cases and counseling  
and conciliation services that may be made available to persons

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 141

section 2925.01 of the Revised Code, that is a felony of the third 142  
or fourth degree if the offense is committed prior to July 1, 143  
1996, a felony of the third, fourth, or fifth degree if the 144  
offense is committed on or after July 1, 1996, or a misdemeanor. 145

(ii) The case involves a theft offense, as defined in section 146  
2913.01 of the Revised Code, that is a felony of the third or 147  
fourth degree if the offense is committed prior to July 1, 1996, a 148  
felony of the third, fourth, or fifth degree if the offense is 149  
committed on or after July 1, 1996, or a misdemeanor, and the 150  
defendant is drug or alcohol dependent or in danger of becoming 151  
drug or alcohol dependent and would benefit from treatment. 152

(b) All of the following apply: 153  
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(i) The case involves a probationable offense or a case in 155  
which a mandatory prison term is not required to be imposed. 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 159  
drug or alcohol driven. 160

(v) The defendant demonstrates a sincere willingness to 161  
participate in a fifteen-month treatment process. 162

(vi) The defendant has no acute health condition. 163

(vii) If the defendant is incarcerated, the county prosecutor 164  
approves of the referral. 165

(4) If the administrative judge of the court of common pleas 166  
of Hamilton county determines that the volume of cases pending 167  
before the drug court judge does not constitute a sufficient 168  
caseload for the drug court judge, the administrative judge, in 169  
accordance with the Rules of Superintendence for Courts of Common 170  
Pleas, shall assign individual cases to the drug court judge from 171

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 204  
other personnel of the domestic relations division. 205

(2) The judges of the court of common pleas whose terms begin 206  
on January 5, 1977, and January 2, 1991, and successors shall have 207  
the same qualifications, exercise the same powers and 208  
jurisdiction, and receive the same compensation as other judges of 209  
the court of common pleas of Lucas county, shall be elected and 210  
designated as judges of the court of common pleas, juvenile 211  
division, and shall be the juvenile judges as provided in Chapters 212  
2151. and 2152. of the Revised Code with the powers and 213  
jurisdictions conferred by those chapters. In addition to the 214  
judge's regular duties, the judge of the court of common pleas, 215  
juvenile division, senior in point of service, shall be the 216  
administrator of the juvenile division and its subdivisions and 217  
departments and shall have charge of the employment, assignment, 218  
and supervision of the personnel of the division engaged in 219  
handling, servicing, or investigating juvenile cases, including 220  
any referees considered necessary by the judges of the division in 221  
the discharge of their various duties. 222

The judge of the court of common pleas, juvenile division, 223  
senior in point of service, also shall designate the title, 224  
compensation, expense allowance, hours, leaves of absence, and 225  
vacation of the personnel of the division and shall fix the duties 226  
of the personnel of the division. The duties of the personnel, in 227  
addition to other statutory duties include the handling, 228  
servicing, and investigation of juvenile cases and counseling and 229  
conciliation services that may be made available to persons 230  
requesting them, whether or not the persons are parties to an 231  
action pending in the division. 232

(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  
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 Montgomery county and shall be  
elected and designated as judges of the court of common pleas,  
division of domestic relations. These judges shall have assigned  
to them all divorce, dissolution of marriage, legal separation,  
and annulment cases.

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The judge of the division of domestic relations, senior in  
point of service, shall be charged exclusively with the assignment  
and division of the work of the division and shall have charge of  
the employment and supervision of the personnel of the division  
engaged in handling, servicing, or investigating divorce,  
dissolution of marriage, legal separation, and annulment cases,  
including any necessary referees, except those employees who may  
be appointed by the judge, junior in point of service, under this  
section and sections 2301.12, 2301.18, and 2301.19 of the Revised  
Code. The judge of the division of domestic relations, 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.

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(2) The judges of the court of common pleas whose terms begin  
on January 1, 1953, and January 1, 1993, 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 Montgomery county, shall be elected  
and designated as judges 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.

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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

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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.

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.

(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  
over which the juvenile court has jurisdiction, and all divorce,  
dissolution of marriage, legal separation, and annulment cases  
shall be assigned to that judge, except in cases that for some

special reason are assigned to some other judge of the court of  
common pleas. 364  
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(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 425  
allowances, hours, leaves of absence, and vacations of the 426  
personnel of the division and shall fix their duties. The duties 427

of the personnel, in addition to other statutory duties, shall 428  
include the handling, servicing, and investigation of divorce, 429  
dissolution of marriage, legal separation, and annulment cases and 430  
of any counseling and conciliation services that are available 431  
upon request to all persons, whether or not they are parties to an 432  
action pending in the division. 433

(2) The judge of the court of common pleas whose term begins 434  
on January 1, 1955, and successors, shall have the same 435  
qualifications, exercise the same powers and jurisdiction, and 436  
receive the same compensation as other judges of the court of 437  
common pleas of Summit county, shall be elected and designated as 438  
judge of the court of common pleas, juvenile division, and shall 439  
be, and have the powers and jurisdiction of, the juvenile judge as 440  
provided in Chapters 2151. and 2152. of the Revised Code. Except 441  
in cases that are subject to the exclusive original jurisdiction 442  
of the juvenile court, the judge of the juvenile division shall 443  
not have jurisdiction or the power to hear, and shall not be 444  
assigned, any case pertaining to paternity, custody, visitation, 445  
child support, or the allocation of parental rights and 446  
responsibilities for the care of children or any post-decree 447  
proceeding arising from any case pertaining to any of those 448  
matters. The judge of the juvenile division shall not have 449  
jurisdiction or the power to hear, and shall not be assigned, any 450  
proceeding under the uniform interstate family support act 451  
contained in Chapter 3115. of the Revised Code. 452

The juvenile judge shall be the administrator of the juvenile 453  
division and its subdivisions and departments and shall have 454  
charge of the employment, assignment, and supervision of the 455  
personnel of the juvenile division, including any necessary 456  
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  
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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(J) In Trumbull county, the judges of the court of common  
pleas whose terms begin on January 1, 1953, and January 2, 1977,  
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 Trumbull 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  
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.

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(K) In Butler county:

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(1) The judges of the court of common pleas whose terms begin  
on January 1, 1957, and January 4, 1993, 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 Butler county and shall be elected  
and designated as judges of the court of common pleas, division of  
domestic relations. The judges of the division of domestic  
relations shall have assigned to them all divorce, dissolution of  
marriage, legal separation, and annulment cases coming before the  
court, except in cases that for some special reason are assigned

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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 584  
are parties to an action pending in the division, who request the 585  
services. 586

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(2) The judge of the court of common pleas whose term begins 587  
on January 4, 1979, and successors, shall have the same 588  
qualifications, exercise the same powers and jurisdiction, and 589  
receive the same compensation as other judges of the court of 590  
common pleas of Lake county, shall be elected and designated as 591  
judge of the court of common pleas, juvenile division, and shall 592  
be the juvenile judge as provided in Chapters 2151. and 2152. of 593  
the Revised Code, with the powers and jurisdictions conferred by 594  
those chapters. The judge of the court of common pleas, juvenile 595  
division, shall be the administrator of the juvenile division and 596  
its subdivisions and departments. The judge shall have charge of 597  
the employment, assignment, and supervision of the personnel of 598  
the juvenile division who are engaged in handling, servicing, or 599  
investigating juvenile cases, including any referees whom the 600  
judge considers necessary for the discharge of the judge's various 601  
duties. 602

The judge also shall designate the title, compensation, 603  
expense allowances, hours, leaves of absence, and vacation of the 604  
personnel of the division and shall fix their duties. The duties 605  
of the personnel, in addition to other statutory duties, include 606  
the handling, servicing, and investigation of juvenile cases and 607  
providing any counseling and conciliation services that the 608  
division makes available to persons, whether or not the persons 609  
are parties to an action pending in the division, who request the 610  
services. 611

(3) If a judge of the court of common pleas, division of 612  
domestic relations or juvenile division, is sick, absent, or 613  
unable to perform that judge's judicial duties or the volume of 614  
cases pending in the judge's division necessitates it, the duties 615  
of that judge shall be performed by the other judges of the 616  
domestic relations and juvenile divisions. 617

(N) In Erie county, the judge of the court of common pleas 618

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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.

(0) In Greene county:

(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.

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,  
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,

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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  
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

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to an action pending in the court, who request the services. 683

(3) If one of the judges of the court of common pleas, 684  
general division, is sick, absent, or unable to perform that 685  
judge's judicial duties or the volume of cases pending in the 686  
general division necessitates it, the duties of that judge of the 687  
general division shall be performed by the judge of the division 688  
of domestic relations and the judge of the juvenile division. 689

(P) In Portage county, the judge of the court of common 690  
pleas, whose term begins January 2, 1987, and successors, shall 691  
have the same qualifications, exercise the same powers and 692  
jurisdiction, and receive the same compensation as the other 693  
judges of the court of common pleas of Portage county and shall be 694  
elected and designated as judge of the court of common pleas, 695  
division of domestic relations. The judge shall be assigned all 696  
divorce, dissolution of marriage, legal separation, and annulment 697  
cases coming before the court, except in cases that for some 698  
special reason are assigned to some other judge of the court of 699  
common pleas. The judge shall be charged with the assignment and 700  
division of the work of the division and with the employment and 701  
supervision of all other personnel of the domestic relations 702  
division. 703

The judge also shall designate the title, compensation, 704  
expense allowances, hours, leaves of absence, and vacations of the 705  
personnel of the division and shall fix their duties. The duties 706  
of the personnel, in addition to other statutory duties, shall 707  
include the handling, servicing, and investigation of divorce, 708  
dissolution of marriage, legal separation, and annulment cases and 709  
providing any counseling and conciliation services that the 710  
division makes available to persons, whether or not the persons 711  
are parties to an action pending in the division, who request the 712  
services. 713

(Q) In Clermont county, the judge of the court of common 714

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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.

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.

(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  
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



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

(S) In Licking county, the judge of the court of common  
pleas, whose term begins January 1, 1991, 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 Licking 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, 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 shall be  
charged with the assignment and division of the work of the

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

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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 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, 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 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.

(U) In Medina county, the judge of the court of common pleas  
whose term begins January 1, 1995, 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 Medina 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, and visitation, and all post-decree proceedings

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 872  
parental rights and responsibilities for the care of children and 873  
the designation for the children of a place of residence and legal 874

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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.

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.

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  
division, in addition to other statutory duties, shall 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 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

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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 968  
common pleas of Scioto county and shall be elected and designated 969  
as judge of the court of common pleas, division of domestic 970

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relations. The judge shall be assigned all divorce, dissolution of 971  
marriage, legal separation, and annulment cases, all cases arising 972  
under Chapter 3111. of the Revised Code, all proceedings involving 973  
child support, the allocation of parental rights and 974  
responsibilities for the care of children and the designation for 975  
the children of a place of residence and legal custodian, 976  
parenting time, visitation, and all post-decree proceedings and 977  
matters arising from those cases and proceedings, except in cases 978  
that for some special reason are assigned to another judge of the 979  
court of common pleas. The judge shall be charged with the 980  
assignment and division of the work of the division and with the 981  
employment and supervision of the personnel of the division. 982

The judge shall designate the title, compensation, expense 983  
allowances, hours, leaves of absence, and vacations of the 984  
personnel of the division and shall fix the duties of the 985  
personnel of the division. The duties of the personnel, in 986  
addition to other statutory duties, include the handling, 987  
servicing, and investigation of divorce, dissolution of marriage, 988  
legal separation, and annulment cases, cases arising under Chapter 989  
3111. of the Revised Code, and proceedings involving child 990  
support, the allocation of parental rights and responsibilities 991  
for the care of children and the designation for the children of a 992  
place of residence and legal custodian, parenting time, and 993  
visitation, and providing counseling and conciliation services 994  
that the division makes available to persons, whether or not the 995  
persons are parties to an action pending in the division, who 996  
request the services. 997

(Y) In Auglaize county, the judge of the probate and juvenile 998  
divisions of the Auglaize county court of common pleas also shall 999  
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



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court. The judge shall have all powers as administrator of the domestic relations division and shall have charge of the personnel engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary for the discharge of the judge's various duties.

(Z)(1) In Marion county, the judge of the court of common pleas whose term begins on February 9, 1999, and the successors to that judge, 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 Marion county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, 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 shall be assigned to that judge and the successors to that judge. Except as provided in division (Z)(2) of this section and notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2003, the judge of the court of common pleas of Marion county whose term begins on February 9, 1999, and the successors to that judge, 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  
jurisdiction, and receive the same compensation as the other  
judges of the court of common pleas of Muskingum county and shall

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be elected and designated as the judge of the court of common  
pleas, division of domestic relations. The judge shall have all of  
the powers relating to juvenile courts and shall be assigned all  
cases under Chapter 2151. or 2152. of the Revised Code, all  
parentage proceedings over which the juvenile court has  
jurisdiction, 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, the designation for the children of a  
place of residence and legal custodian, and visitation, and all  
post-decree proceedings and matters arising from those cases and  
proceedings, except cases that for some special reason are  
assigned to some other judge of the court of common pleas.

(BB) If a judge of the court of common pleas, division of  
domestic relations, or juvenile judge, of any of the counties  
mentioned in this section 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 another judge of the court of common pleas of that  
county, assigned for that purpose by the presiding judge of the  
court of common pleas of that county to act in place of or in  
conjunction with that judge, as the case may require.

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

(A) "Sexual conduct" means vaginal intercourse between a male  
and female; anal intercourse, fellatio, and cunnilingus between  
persons regardless of sex; and, without privilege to do so, the  
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. 1098
- (B) "Sexual contact" means any touching of an erogenous zone 1099  
of another, including without limitation the thigh, genitals, 1100  
buttock, pubic region, or, if the person is a female, a breast, 1101  
for the purpose of sexually arousing or gratifying either person. 1102
- (C) "Sexual activity" means sexual conduct or sexual contact, 1103  
or both. 1104
- (D) "Prostitute" means a male or female who promiscuously 1105  
engages in sexual activity for hire, regardless of whether the 1106  
hire is paid to the prostitute or to another. 1107
- (E) Any material or performance is "harmful to juveniles," if 1108  
it is offensive to prevailing standards in the adult community 1109  
with respect to what is suitable for juveniles, and if any of the 1110  
following apply: 1111
- (1) It tends to appeal to the prurient interest of juveniles; 1112  
1113
- (2) It contains a display, description, or representation of 1114  
sexual activity, masturbation, sexual excitement, or nudity; 1115
- (3) It contains a display, description, or representation of 1116  
bestiality or extreme or bizarre violence, cruelty, or brutality; 1117
- (4) It contains a display, description, or representation of 1118  
human bodily functions of elimination; 1119
- (5) It makes repeated use of foul language; 1120
- (6) It contains a display, description, or representation in 1121  
lurid detail of the violent physical torture, dismemberment, 1122  
destruction, or death of a human being; 1123
- (7) It contains a display, description, or representation of 1124  
criminal activity that tends to glorify or glamorize the activity, 1125  
and that, with respect to juveniles, has a dominant tendency to 1126

corrupt. 1127

(F) When considered as a whole, and judged with reference to 1128  
ordinary adults or, if it is designed for sexual deviates or other 1129  
specially susceptible group, judged with reference to that group, 1130  
any material or performance is "obscene" if any of the following 1131  
apply: 1132

(1) Its dominant appeal is to prurient interest; 1133

(2) Its dominant tendency is to arouse lust by displaying or 1134  
depicting sexual activity, masturbation, sexual excitement, or 1135  
nudity in a way that tends to represent human beings as mere 1136  
objects of sexual appetite; 1137

(3) Its dominant tendency is to arouse lust by displaying or 1138  
depicting bestiality or extreme or bizarre violence, cruelty, or 1139  
brutality; 1140

(4) Its dominant tendency is to appeal to scatological 1141  
interest by displaying or depicting human bodily functions of 1142  
elimination in a way that inspires disgust or revulsion in persons 1143  
with ordinary sensibilities, without serving any genuine 1144  
scientific, educational, sociological, moral, or artistic purpose; 1145

(5) It contains a series of displays or descriptions of 1146  
sexual activity, masturbation, sexual excitement, nudity, 1147  
bestiality, extreme or bizarre violence, cruelty, or brutality, or 1148  
human bodily functions of elimination, the cumulative effect of 1149  
which is a dominant tendency to appeal to prurient or scatological 1150  
interest, when the appeal to such an interest is primarily for its 1151  
own sake or for commercial exploitation, rather than primarily for 1152  
a genuine scientific, educational, sociological, moral, or 1153  
artistic purpose. 1154

(G) "Sexual excitement" means the condition of human male or 1155  
female genitals when in a state of sexual stimulation or arousal. 1156

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(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. 1157  
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(I) "Juvenile" means an unmarried person under the age of eighteen. 1163  
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(J) "Material" means one of the following: 1165

(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. 1166  
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(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: 1179  
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(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 monitor while the monitor, screen, display, or device is actively 1183  
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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 1248  
which it is given, shall identify the sender, identify the 1249



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material or performance involved, state whether it is obscene or 1250  
harmful to juveniles, and bear the date of such notice. 1251

(C) Sections 2907.31 and 2907.32 of the Revised Code do not 1252  
apply to a motion picture operator or projectionist acting within 1253  
the scope of ~~his~~ employment as an employee of the owner or manager 1254  
of a theater or other place for the showing of motion pictures to 1255  
the general public, and having no managerial responsibility or 1256  
financial interest in ~~his~~ the operator's or projectionist's place 1257  
of employment, other than wages. 1258

(D)(1) Sections 2907.31, 2907.311, 2907.32, 2907.321, 1259  
2907.322, 2907.323, and 2907.34 and division (A) of section 1260  
2907.33 of the Revised Code do not apply to a person solely 1261  
because the person provided access or connection to or from a 1262  
computer facility, system, or network not under that person's 1263  
control, including having provided transmission, downloading, 1264  
intermediate storage, access software, or other related 1265  
capabilities that are incidental to providing access or connection 1266  
to or from a computer facility, system, or network, and that do 1267  
not include the creation of the content of the material that is 1268  
the subject of the access or connection. 1269

(2) Division (D)(1) of this section does not apply to a 1270  
person who conspires with an entity actively involved in the 1271  
creation or knowing distribution of material in violation of 1272  
section 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 1273  
2907.33, or 2907.34 of the Revised Code or who knowingly 1274  
advertises the availability of material of that nature. 1275

(3) Division (D)(1) of this section does not apply to a 1276  
person who provides access or connection to a computer facility, 1277  
system, or network that is engaged in the violation of section 1278  
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 1279  
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 control. 1282  
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(E) An employer is not guilty of a violation of section 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, or 2907.34 of the Revised Code based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following: 1284  
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(1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct. 1290  
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(2) The employer recklessly disregards the employee's or agent's conduct. 1292  
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(F) It is an affirmative defense to a charge under section 2907.31 or 2907.311 of the Revised Code as the section applies to an image transmitted through the internet that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology. 1294  
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**Section 2.** That existing sections 2301.03, 2907.01, and 2907.35 of the Revised Code are hereby repealed. 1302  
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**Section 3.** (A) Notwithstanding sections 3513.05 and 3513.257 and any other provision of the Revised Code, each person desiring to become a candidate at the general election to be held on November 5, 2002, for election as the judge of the Hamilton County Court of Common Pleas who is to be elected in 2002, whose term begins on January 3, 2003, and who is designated by this act as the Drug Court Judge of the Hamilton County Court of Common Pleas shall file a nominating petition and statement of candidacy, as 1304  
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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

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